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Mark Karlin

<http://www.truth-out.org/opinion/item/39786-globalization-is-just-a-contemporary-word-for-financial-colonialism>

From: ***The New York Times***

Subject: Today's Headline: Health Bill Would Add 24 Million Uninsured but Save \$337 Billion, Report Says

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From: Sarah Hirsch, AAUP

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With your help, we can strengthen our capacity to respond to harmful government actions and to provide communities with the resources they need to keep all people safe, regardless of their immigration status or country of origin.

DONATE NOW

End of MPEN e-Newsletter

From: Munsup @SISCOM Seoh
Sent: Tuesday, March 14, 2017 11:01 PM
To: Munsup @SISCOM Seoh
Subject: [mpen-cleveland] FW: "Save Medicaid funding in Ohio" & "Robert Reich just DESTROYED Trump!" & "Victory against 'Right-to-Work' bill in New Hampshire!" and more

FYI. Best, Munsup

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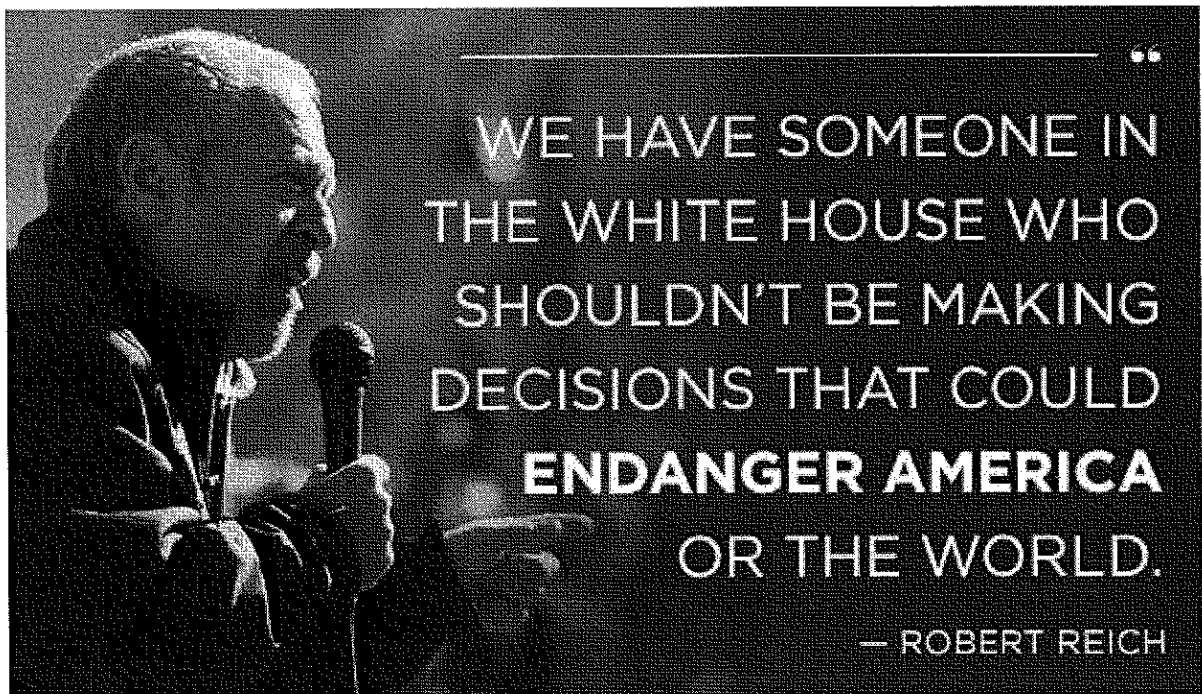
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CHC BOLD PAC

BUILDING OUR LEADERSHIP DIVERSITY

PAID FOR BY CHC BOLD PAC AND NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE.

From: Angelo Carusone, Media Matters

Subject: It's Working! Stand With The White House Press Corps

It's working -- the White House Correspondents' Association (WHCA) is considering taking a stand against Donald Trump's press blacklist!

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The reporters who cover Trump are ready to fight the blacklist -- but unless their outlets stand together, the White House won't need to change its bad behavior. **It's time to get as loud as we can:** Journalists need to know that we've got their backs, and we'll support them if they take action now.

STAND WITH THE WHITE HOUSE PRESS CORPS: SHARE THIS PETITION ON FACEBOOK and/or SHARE ON TWITTER

During an event at the National Press Club yesterday, WHCA President Jeff Mason said "it is not easy" to get news organizations to agree on a boycott or collective action against a White House when it bans an outlet. [5]

Mason is right: It won't be easy for news organizations to band together when the White House blacklists a competitor. But our free press depends on the courage of journalists and the citizens who stand up for them, and this is a critical moment to do what's right.

THE WHITE HOUSE PRESS CORPS NEEDS OUR SUPPORT: SHARE THIS PETITION ON FACEBOOK and/or SHARE ON TWITTER

Make sure the WHCA hears us: Stand up to Trump's blacklist and we'll stand with you!

Your voice is making a difference.

Footnotes:

[1] <http://money.cnn.com/2017/02/24/media/cnn-blocked-white-house-gaggle/>

[2] <http://mm4a.org/2lGFc12>

[3] <https://twitter.com/JoeNBC/status/835212139673571330>

[4] <https://twitter.com/BretBaier/status/835206562549493760>

[5] <https://twitter.com/ErikWemple/status/839885760060928000>

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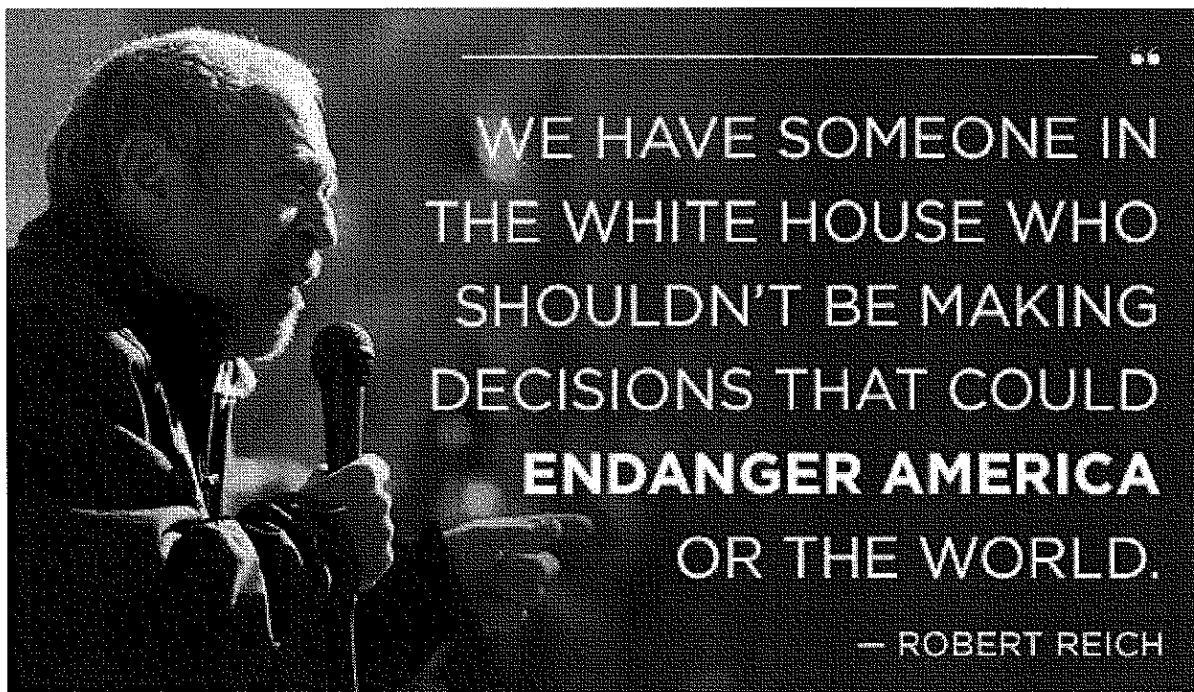
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The reporters who cover Trump are ready to fight the blacklist -- but unless their outlets stand together, the White House won't need to change its bad behavior. **It's time to get as loud as we can:** Journalists need to know that we've got their backs, and we'll support them if they take action now.

STAND WITH THE WHITE HOUSE PRESS CORPS: SHARE THIS PETITION ON FACEBOOK and/or SHARE ON TWITTER

During an event at the National Press Club yesterday, WHCA President Jeff Mason said "it is not easy" to get news organizations to agree on a boycott or collective action against a White House when it bans an outlet. [5]

Mason is right: It won't be easy for news organizations to band together when the White House blacklists a competitor. But our free press depends on the courage of journalists and the citizens who stand up for them, and this is a critical moment to do what's right.

THE WHITE HOUSE PRESS CORPS NEEDS OUR SUPPORT: SHARE THIS PETITION ON FACEBOOK and/or SHARE ON TWITTER

Make sure the WHCA hears us: Stand up to Trump's blacklist and we'll stand with you!

Your voice is making a difference.

Footnotes:

[1] <http://money.cnn.com/2017/02/24/media/cnn-blocked-white-house-gaggle/>

[2] <http://mm4a.org/2lGFc12>

[3] <https://twitter.com/JoeNBC/status/835212139673571330>

[4] <https://twitter.com/BretBaier/status/835206562549493760>

[5] <https://twitter.com/ErikWemple/status/839885760060928000>

Want to make a donation to help support petitions on MoveOn.org? Hundreds of thousands of people chip in each year to support MoveOnâ€”which is how we're able to keep our petition website free and support campaigns like this one. You can become a monthly donor by [clicking here](#), or [chip in a one-time gift here](#).

From: Michael Phelan, Social Security Works

Subject: CBO Confirms that Trumpcare is an Attack on Seniors

The Congressional Budget Office, whose director was hand-picked by Speaker Paul Ryan, just released its estimates on the impact of the Trump/Ryan health care proposal. **These numbers are a terrifying confirmation that Trumpcare is the first part of a Republican war on seniors.**

If implemented, the CBO estimates that Trumpcare would cause 24 million people to lose health insurance in the next decade, and premiums would rise 120-125 percent for older adults just below Medicare eligibility age.

Five Republican Senators already stated that they had reservations about voting for Trumpcare. If they all vote no, this bill will fail in the Senate. Send them a message now!

Sens. Rob Portman (OH), Shelley Moore Capito (WV), Cory Gardner (CO), and Lisa Murkowski (AK) sent a letter to Senate Majority Leader Mitch McConnell signaling their reservations about Trumpcare. And Sen. Dean Heller (NV) told his constituents over the weekend that he had numerous objections to the bill. **We can stop this in the Senate!**

Send a message to the Senate: Vote NO on Trumpcare!

The CBO says that if Trumpcare passes, 14 million Americans would lose their coverage *next year*--a number that would climb to 24 million by 2026. All so that Paul Ryan and Donald Trump can raid \$275 billion from Medicare to give huge tax breaks to the rich. That is insane.

The CBO says that this increase in people without insurance would be “disproportionately larger among older people with lower income; in particular people between 50 and 64 years old.”

Five Senators can stop Trumpcare in its tracks. Add your voice!

From: Judy Burnette

Subject: Truthout | "Globalization Is Just a Contemporary Word for Financial Colonialism" by

Mark Karlin

<http://www.truth-out.org/opinion/item/39786-globalization-is-just-a-contemporary-word-for-financial-colonialism>

From: **The New York Times**

Subject: Today's Headline: Health Bill Would Add 24 Million Uninsured but Save \$337 Billion, Report Says

Today's Headline on Tuesday, March 14, 2017

Health Bill Would Add 24 Million Uninsured but Save \$337 Billion, Report Says

By THOMAS KAPLAN and ROBERT PEAR

The judgment by the Congressional Budget Office did not back up the president's promise of providing health care for everyone but may help bring in rebellious conservatives.

From: Nicholas R.

Subject: Petition for signing the "Amazon: Stop Supporting Breitbart's Hate"

A social media campaign called "Sleeping Giants" led more than 1,000 companies to stop advertising on the white nationalist website Breitbart.com. Virtually every major corporation worldwide has blocked their ads from appearing on Breitbart, but one glaring exception remains: Amazon.

Breitbart is the white nationalist website formerly run by Trump adviser Steve Bannon. It's racist, sexist, and spreads hate against Muslims. Breitbart regularly has headlines like "Birth control makes women unattractive and crazy" and "The Confederate flag proclaims a glorious heritage." It is way outside of the American mainstream, even in these polarizing times.

It's well past time for Amazon to stop supporting hate. Please ask Amazon to remove their ads from Breitbart.com and adopt a policy to ban advertising on any website that promotes hate.

That's why I signed a petition to Jeff Bezos, CEO, Amazon, Christine Bader, Director of Social Responsibility, Amazon, and Jacqueline Blackmore, Executive Assistant, Amazon, which says:

"It's well past time for Amazon to stop supporting hate. Remove Amazon ads from Breitbart.com and adopt a policy to ban advertising on any website that promotes hate. "

Will you sign the petition too? Click here to add your name:

http://petitions.moveon.org/sign/amazon-stop-supporting?source=s.fwd&r_by=4513377

From: Eric Kramer

Subject: Fake news site thanks 'gullible Trump supporters' after reaching 1 million views – DeadState

<http://deadstate.org/fake-news-site-thanks-gullible-trump-supporters-after-reaching-1-million-views/>

From: Andrew Tierman

Subject: FW: Stop Republican bills in the House

I'm Michael Steiner, a MoveOn member in Bethlehem, PA, and I started a petition to The United States House of Representatives and The United States Senate, which says:

The following bills have been filed by Republicans in the House. They should not become law:

1. HR 861 Terminate the Environmental Protection Agency
2. HR 610 Vouchers for Public Education
3. HR 899 Terminate the Department of Education
4. HJR 69 Repeal Rule Protecting Wildlife
5. HR 370 Repeal Affordable Care Act
6. HR 354 Defund Planned Parenthood
7. HR 785 National Right to Work (this one ends unions)
8. HR 83 Mobilizing Against Sanctuary Cities Bill
9. HR 147 Criminalizing Abortion ("Prenatal Nondiscrimination Act")

[Sign Michael's petition](#)

The Republicans in the House of Representatives have sent nine bills to the floor that threaten our individual freedoms, the working class, and the environmental future of not only this country but the Planet. We need to take a stand to protect ourselves and the future of this country. Senators and representatives need to do the right thing and stand up for us. Vote NO on all these HR Bills.

[Click here to add your name to this petition, and then pass it along to your friends.](#)

Want to support our work? The MoveOn community will work every moment, day by day and year by year, to resist Trump's agenda, contain the damage, defeat hate with love, and begin the process of swinging the nation's pendulum back toward sanity, decency, and the

kind of future that we must never give up on. And to do it we need your ongoing support, now more than ever. **Will you stand with us?** [Donate monthly](#) [Or make a one-time gift](#) Contributions to MoveOn.org Civic Action are not tax deductible as charitable contributions for federal income tax purposes.

From: Sarah Hirsch, AAUP

Subject: Victory for faculty in New Hampshire!

New Hampshire is still a place where labor unions and working people live free.

Last month, AAUP chapters in New Hampshire worked with other unions and community members to defeat a “right-to-work” bill that the governor had promised to sign. Together, we protected the right of faculty and other working people across the state to negotiate collectively.

It was an invigorating fight, making us proud to be members of the AAUP and aligned with all the other unions that made this a priority.

So-called right-to-work legislation hurts working people, undercutting our ability to bargain together for better wages, benefits, and working conditions. A study from the Economic Policy Institute found that working people in “right-to-work” states earn 3.1 percent less than those in states where full collective bargaining rights exist. That translates to \$1,500 less per year. For unionized faculty, undercutting unions also undercuts our ability to negotiate over issues such as academic freedom protections and shared governance rights.

Facing the prospect of right-to-work legislation in our state, the University of New Hampshire chapters of the AAUP formed a One Faculty committee to fight the legislation. We reached out to faculty across the state, conducted teach-ins, and sent members to open committee hearings and full votes by the legislature. We worked with other unions and community members to ensure that all legislators heard our message loud and clear: working people must be protected and this legislation must be defeated.

We created an “Honor Roll” of Republican legislators who resisted the strong-arm efforts of our new governor and stood up against the legislation. Then we asked members and supporters to call or write to thank both them and the determined Democrats who defied a snowstorm to be in their seats the date of the vote. And it paid off--the bill was defeated in the New Hampshire State House by a bipartisan coalition of legislators, 200 to 177.

New Hampshire is not alone in this fight against attacks on workers--twenty-eight states have right-to-work legislation, and national legislation has been introduced in the House of Representatives. We must continue to work together united to protect the rights and freedoms of faculty across the country.

I am so heartened by this victory and the incredible solidarity I have seen amongst faculty here!

From: Kathryn Johnson; Policy Impact Coordinator, American Friends Service Committee
Subject: Emergency Campaign: Stand up to hate! Support immigrant & refugee rights today!

Stand Up to Hate



The Trump Administration has ushered in a devastating new era of anti-immigrant and refugee executive orders and policies, hateful rhetoric, and fear. Over the past few weeks, Immigration and Customs Enforcement officers have indiscriminately arrested, detained, and deported hundreds of people, separating families and sowing terror in communities nationwide. On Monday, the Trump Administration signed a new version of the Muslim ban. **This is a threat to human rights and social justice.**

Help the American Friends Service Committee raise \$20,000 by March 10th to provide essential tools, training, and direct services to defend the rights of immigrants and refugees and disrupt hateful acts and government actions.

For decades, the American Friends Service Committee has supported immigrants, refugees, and allies nationwide to organize, defend their rights, document abuses, and disrupt massive

detention and deportation. You'll now find us in the streets protesting and organizing calls to action against the Muslim ban. In the last month, we've seen demand for our services skyrocket as fear and uncertainty have spread throughout immigrant and refugee communities.

In response, AFSC's new Sanctuary Everywhere campaign provides tools and training to community groups, congregations, and schools to interrupt hateful acts and create safer spaces for all people. In this climate of heightened fear and discrimination, we urgently need your support more than ever.

Stand up to hate and fear by supporting AFSC to deliver critical resources and training to immigrants, refugees, and allies by reaching our goal of \$20,000 by March 10th.

With your help, we can strengthen our capacity to respond to harmful government actions and to provide communities with the resources they need to keep all people safe, regardless of their immigration status or country of origin.

DONATE NOW

End of MPEN e-Newsletter

From: Public Policy Law360
Sent: Friday, March 24, 2017 5:43 AM
To: Rep07
Subject: House Sets Climactic Friday Vote On ACA Repeal



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PUBLIC POLICY

The Road To 60 Votes: Confirming Neil Gorsuch

Follow Law360's up-to-the-minute coverage.

Friday, March 24, 2017



TOP NEWS

House Sets Climactic Friday Vote On ACA Repeal

The U.S. House of Representatives will vote Friday on whether to repeal and replace much of the Affordable Care Act, marking a high-stakes test for President Donald Trump and the Republican-controlled Congress.

GSA Says Trump Org Has Complied With Disputed Hotel Lease

The U.S. General Services Administration on Thursday announced that the Trump Organization has complied with its \$180 million lease on the federally owned Old Post Office building in Washington, D.C., after concerns that President Donald Trump's connection to the lease may have broken a contractual clause.

As Gorsuch Panel Ends, Senate Filibuster Looms

After days of committee questioning and testimony on Tenth Circuit Judge Neil Gorsuch,

LAW FIRMS

Alston & Bird
Amster Rothstein
Arnold & Porter Kaye Scholer
Audet & Partners
Baker Botts
Bartko Zankel
Bartlit Beck
Berenzweig Leonard
Brashear LLP
Chadbourne & Parke
Covington & Burling
Creizman LLC
Cuneo Gilbert
Debevoise & Plimpton
Dewey & LeBoeuf
Dinsmore & Shohl
Earthjustice
Fish & Richardson
Foley Hoag
Gibson Dunn

President Donald Trump's nominee to the U.S. Supreme Court, many Democrats cemented their opposition Thursday and could try to block his confirmation.

Trump Admin. Gets Fast Appeal Of Immigration Ban Suit

The Fourth Circuit on Thursday granted the federal government's request for an expedited appeal of a Maryland federal judge's ruling blocking President Donald Trump's revised immigration ban targeting migrants from majority-Muslim countries, after the government cited "national security needs."

Senate Votes To Undo FCC's Broadband Privacy Rules

The U.S. Senate on Thursday passed a resolution to repeal broadband privacy rules issued by the Federal Communications Commission last year, leaving the fate of the hotly contested measure in the hands of the U.S. House of Representatives.

Senate Sends Repeal Of OSHA Record-Keeping Rule To Trump

The U.S. Senate on Wednesday passed a resolution to kill an Obama-era regulation that would allow the Occupational Safety and Health Administration to fine employers over a full five-year period for failing to properly track and report workplace injuries and illnesses after they occur, sending the measure to President Donald Trump for likely approval.

Analysis

4 Tax Changes Delaying GOP Health Plan Vote

As President Donald Trump and House Republicans struggle to get backers for their health care plan to replace the Affordable Care Act, Law360 looks at some of the controversial tax changes that are holding up a House vote.

Analysis

US Atty Hopefuls In Calif. Face Uncertain Process

Goldberg Kohn
Goldstein & Russell
Goodwin
Gordon & Rees
Hogan Lovells
Holland & Knight
Hymson Goldstein
Jenner & Block
Johnson & Bell
Jones Day
Krovatin Klingeman
Law Offices of Ann C. Flannery LLC
Locke Lord
Mayer Brown
McDonald Carano
Milbank Tweed
Morgan Lewis
Morris Manning
Morvillo Abramowitz
Nossaman LLP
O'Melveny & Myers
Ogletree Deakins
Outten & Golden
Proskauer Rose
Reed Smith
Rogers Joseph
Sanford Heisler
Schlam Stone
Seward & Kissel
Sidley Austin
Siprut PC
Skadden
Squire Patton Boggs
Steptoe & Johnson LLP
Sullivan & Cromwell
Thompson & Knight
Traub Lieberman

California's four U.S. attorney positions are currently open, but political friction between the state's Democratic senators and the White House has the application process off to a haphazard start.

BANKING & SECURITIES

Analysis

5 Takeaways From Clayton's SEC Confirmation Hearing

President Donald Trump's nominee to chair the U.S. Securities and Exchange Commission, Sullivan & Cromwell LLP partner Jay Clayton, scored points with Republican lawmakers at his confirmation hearing Thursday by lamenting a recent decline in IPOs, but did little to reassure Democrats about his conflicts of interest and financial industry connections. Here are five key takeaways from Thursday's hearing

ENERGY & ENVIRONMENTAL

Lawmakers Introduce Bipartisan Water Infrastructure Bill

A bipartisan group of U.S. senators on Wednesday announced the introduction of a new piece of legislation to provide increased flexibility to local communities when they are complying with federal requirements for updates to water infrastructure projects.

Reps. Again Float Bill To Boost Funding For Mine Cleanups

U.S. Reps. Jody Hice, R-Ga., and Alan Lowenthal, D-Calif., again floated a bill Wednesday to form a foundation that raises private funding to help the federal government more quickly and effectively clean up mines, citing the Gold King Mine spill as an example of the need for boosted financial aid.

High Court Shouldn't Delay Water Rule Suit, 7 States Say

New York, six other states and Washington, D.C., have asked the U.S. Supreme Court not

Vorys Sater
Wasserman Jurista
Wiley Rein
WilmerHale
Zeldes Haeggquist

COMPANIES

AAR Corporation
Airbnb Inc.
Alibaba Group Holdings Ltd.
Amazon.com Inc.
American Bar Association
American Civil Liberties Union
American Farm Bureau Federation
American Federation of Labor and Congress of Industrial Organizations
Association of American Railroads
Association of Corporate Counsel
BP p.l.c.
Barclays PLC
Barnes & Noble Inc.
Bayer AG
Bayer CropScience Ltd.
Bristol-Myers Squibb Company
Center for American Progress
Chevron Corporation
Communications Workers of America
Deutsche Bank AG
Dow Chemical Co.
FTI Consulting Inc.
Facebook
FilmOn PLC
Goldman Sachs Group Inc.
Google Inc.
Herbalife Ltd.
Human Rights Campaign
JPMorgan Chase & Co.

to pause an appeal of the Sixth Circuit's decision that it has jurisdiction to hear challenges to the so-called Waters of the United States rule, arguing that despite President Donald Trump's executive order to revise or rescind the measure, the case should proceed through the courts.

EPA Ordered To Review 13 Sources Of Air Pollution By 2020

A D.C. federal judge on Wednesday ordered the U.S. Environmental Protection Agency to update national emission standards for 13 sources of hazardous air pollutants — which the agency had failed to do as required by the Clean Air Act — by 2019 or 2020.

NJ Water Agency Settles Claims Against Ex-Board Members

A judge on Wednesday approved a roughly \$1.1 million settlement between a defunct Newark, New Jersey, water agency and an insurer over the coverage of mismanagement claims against former agency board members, including U.S. Rep. Donald M. Payne Jr., D-N.J., and U.S. Sen. Cory Booker, D-N.J., whose dismissal victory over the claims was being challenged.

HEALTH & LIFE SCIENCES

House Repeals Antitrust Immunity For Health Insurance Cos.

The U.S. House of Representatives on Wednesday overwhelmingly passed a bill that restores the government's ability to charge health insurers under federal antitrust laws, but while Republicans touted it as a way to protect competition and consumers, Democrats called such claims "exaggerated."

ACA Repeal Savings Decline By Nearly \$200B, CBO Says

Recent revisions to GOP-backed legislation intended to repeal and replace the Affordable Care Act would cause the bill to save almost

Laborers' International Union of North America

Lockheed Martin

Los Angeles Times

Monsanto Company

National Association of Broadcasters

National Association of Manufacturers

National Employment Law Project

National Health Law Program

National Immigration Law Center

Natural Resources Defense Council

Northrop Grumman Corporation

Orange County Transportation Authority

Svenska Cellulosa AB

T-Mobile USA Inc.

Tenaris S.A.

Trump Organization Inc.

United States Steel Corporation

United Steelworkers

Varsity Brands Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Labor Statistics

Bureau of Land Management

Commodity Futures Trading Commission

Congressional Budget Office

Defense Contract Management Agency

Department of Commerce

Equal Employment Opportunity Commission

European Commission

Executive Office of the President

Federal Acquisition Regulatory Council

\$200 billion less than originally expected, the Congressional Budget Office estimated Thursday.

Trump Names Heritage Foundation Director For HHS OCR

The Donald Trump administration has reportedly named a former Heritage Foundation official to lead the U.S. Department of Health and Human Services' Office of Civil Rights, igniting protests Thursday from civil rights organizations, who call him an "anti-LGBT extremist."

SPORTS

Ark. Lawmakers Wavering On Firearms At College Sports

Arkansas lawmakers on Thursday pushed forward with a new bill that would exempt college sports games from a law passed earlier this week that allows licensed individuals to carry concealed firearms on college campuses across the state.

TRANSPORTATION & INFRASTRUCTURE

DC Court Rejects Feds' Bid To Save Amtrak Regulatory Power

A D.C. federal judge on Thursday rejected the government's bid to preserve a federal statute allowing Amtrak to set performance and scheduling standards along the nation's passenger railways, saying the D.C. Circuit unequivocally struck down the statute as unconstitutional last year.

RETAIL & E-COMMERCE

Ariz. Supreme Court Nixes Atty Fee Award In Contract Row

The Arizona Supreme Court on Thursday threw out attorneys' fees awarded to the successful party in a yearslong contract dispute between a scooter vendor and retailer, saying state law

Federal Communications Commission
Federal Railroad Administration
Federal Trade Commission
Government Accountability Office
Illinois Supreme Court
Internal Revenue Service
International Trade Administration
International Trade Commission
Los Angeles County District Attorney's Office
NATO
National Labor Relations Board
National Railroad Passenger Corporation
Navajo Nation
New York Attorney General's Office
Occupational Safety and Health Administration
Securities and Exchange Commission
Small Business Administration
Surface Transportation Board
U.S. Air Force
U.S. Army
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. General Services Administration

came down in favor of the losing side of the dispute because the winner had rejected the loser's written settlement offer.

REAL ESTATE

Miami Hints At Suing Airbnb To Stop Illegal Renting

The Miami City Commission voted Thursday to look into the possibility of suing platforms like Airbnb as a means of curbing short-term rentals in residential neighborhoods where they're prohibited by zoning laws.

EMPLOYMENT

Worker Groups Give Acosta Thumbs-Down After Hearing

Labor secretary nominee Alexander Acosta's performance at his confirmation hearing Wednesday drew criticism from labor groups that he failed to outline his position on a range of key issues, an assessment that came even from some organizations that had previously expressed cautious optimism about his selection.

NJ Assembly Passes Bill Nixing Secret Whistleblower Deals

A New Jersey bill that would require whistleblower settlements involving government parties to be public domain received unanimous approval by the Assembly on Thursday, three days after a fired prosecutor testified that his \$1.3 million deal from the state shields key documents supporting his case.

Rental Car Co. Settles Sex Bias Case With Lesbian Driver

A lesbian car transport driver and Enterprise Rent-a-Car subsidiary EAN Holdings LLC have agreed to dismiss her push for the Eighth Circuit to revive her Title VII sexual orientation discrimination case against the company, according to a notice filed Thursday.

U.S. House of Representatives
U.S. Immigration and Customs
Enforcement
U.S. Senate
U.S. Supreme Court
United Nations

4th Circ. Affirms Toss Of Retirees' Health Benefits Suit

A Fourth Circuit panel on Wednesday affirmed a district court's dismissal of a suit from a class of West Virginia aluminum plant retirees and their union that sued the plant's operator after it unilaterally altered its retiree health benefits program, saying their collective bargaining agreement doesn't provide for vested retiree health benefits.

PRIVACY & CONSUMER PROTECTION

Calif. Toll System Doesn't Violate Drivers' Privacy, Court Told

The operators of a cashless toll system in Orange County, California, told a federal judge that state laws authorize toll agencies to use driver information to collect unpaid tolls, slamming a proposed class of drivers claiming the practice violates their privacy.

GOVERNMENT CONTRACTS

GSA To Tweak Multiple Award Schedules In April

The General Services Administration's Federal Acquisition Service will refresh its Multiple Award Schedules in April, incorporating a range of recent related rule changes such as paid sick leave for federal contract employees and small business subcontracting tweaks, it said on Wednesday.

Advocacy Group Warns 5th Circ. Not To Dissuade FCA Suits

Taxpayers Against Fraud's nonprofit arm urged the Fifth Circuit Wednesday to revive a would-be whistleblower's False Claims Act suit accusing Lockheed Martin and Northrop Grumman of concealing the true cost of the hugely expensive F-35 fighter program, arguing relators like these need to be incentivized, not discouraged.

INTERNATIONAL TRADE

Lawyers Rip White House For Intervening In Dumping Review

Lawyers involved in an anti-dumping duty review of Korean oil piping materials blasted the National Trade Council head Peter K. Navarro for allegedly applying White House political pressure and faulty logic to a U.S. Department of Commerce dumping margin review.

India Floats Draft Text Of WTO Services Agreement

India has circulated a new proposal outlining its vision for a World Trade Organization services agreement, which could loosen up cross-border rules for financial services, telecommunications and scores of other lucrative industries, the WTO said Thursday.

TAX

Ill. Justices Remand Non-Profit Hospital Property Tax Issue

A long-fought case involving property tax exemptions for non-profit hospitals will head back to circuit court after the Illinois Supreme Court declined to rule on the law's constitutionality Thursday.

Employers Flouting Tax Laws Owe \$45B, IRS Watchdog Says

Nearly 1.5 million employers in the U.S. owed more than \$45 billion in employment taxes, interest and penalties as of December 2015, according to a Wednesday report from an Internal Revenue Service watchdog, which said the IRS should change how it pursues egregious employment tax cases.

IMMIGRATION

Courts Should Be Safe For Immigrants: Wash. Chief Justice

Washington State Supreme Court Chief Justice Mary Fairhurst on Wednesday proposed

designating local courthouses as "sensitive areas" to rein in immigration enforcement activity on site, saying current enforcement efforts could make immigrants hesitant about seeking public services and protection.

NATIVE AMERICAN

Navajo Again Sues DOI Over \$17M Judicial Branch Funding

The Navajo Nation has accused the U.S. Department of the Interior in D.C. federal court of improperly rejecting most of a roughly \$17 million funding request for its judicial branch, the latest installment in a back-and-forth about how much money the tribe is entitled to for the branch's operation.

TELECOMMUNICATIONS

FCC Advances Plan Targeting Illegal Robocalls

The Federal Communications Commission on Thursday agreed to float a proposal at an active meeting, which would allow certain carrier call-blocking to limit unlawful robocalls, with the FCC chief touting it after the meeting as part of his "fast start" as chairman.

T-Mobile Urges FCC Not To Delay Post-Auction Transition

T-Mobile encouraged the Federal Communications Commission on Wednesday to refuse broadcaster requests to delay the transition of stations to new channels after the broadcast incentive auction, arguing that there is no justification for extending or delaying the process.

PEOPLE

Former CFTC General Counsel Joins Skadden In DC

The former general counsel for the U.S. Commodity Futures Trading Commission has joined Skadden Arps Slate Meagher & Flom

LLP's derivatives group in Washington, D.C., the firm announced on Thursday.

Arnold & Porter Snags Ex-Obama Enviro Official

Arnold & Porter Kaye Scholer LLP has added to its Washington, D.C., office a top Obama appointee recently departed from the U.S. Environmental Protection Agency.

EXPERT ANALYSIS

Delays And Uncertainty Surround Trump's Latest Travel Ban

As the constitutionality of President Donald Trump's latest immigration-related executive order is pending, the administration is cracking down on immigration benefits more generally, and employers may want to exercise extreme caution before having nationals of the EO's six designated countries travel internationally, say Maria Fernanda Gandarez and Matthew Kolodziej of Ogletree Deakins Nash Smoak & Stewart PC.

Reducing Administrative Burden Under New 'Common Rule'

The U.S. Department of Health and Human Services' recent revisions to the "Common Rule" aim to reduce administrative and regulatory burden on the informed consent process. However, the revised rule will simply add to or shift such burden to other individuals and entities, say Lisa Rooney and Scott Lipkin of FTI Consulting.

Construction Projects Require Special Contracts In Nevada

Standard form construction contracts and custom contracts developed for use in other states do not comply with Nevada law. When beginning a construction project in Nevada, those contracts must be modified to account for the state's unique construction statutes, says Paul Georgeson of McDonald Carano LLP.

10 Tips For Better Legal Negotiations

Like everything else, the art of negotiation starts by having a conversation. It's about being respectful, finding common ground, knowing what you want and, most importantly, listening. A conversation between two lawyers can be complicated at best, but by employing a few techniques and tactics, it doesn't have to be that way, says Marc Siegel of Siegel & Dolan Ltd.

LEGAL INDUSTRY

Law Firms' Flex Work Options Little Used, Study Says

Lawyers are still reluctant to take advantage of telecommuting, reduced hours arrangements and other flexible work options despite the presence of formal policies at their law firms, according to a new study released Wednesday.

Chadbourne Pressed Women Attys To Pan Bias Suit, Vet Says

Facing a \$100 million proposed class action accusing the firm of systematic discrimination against women lawyers, Chadbourne & Parke LLP's D.C. office head pressured other female partners to sign a letter disavowing the allegations, one of the women lawyers suing the firm said in a Thursday filing.

Law360's Weekly Verdict: Legal Lions & Lambs

Goodwin Procter LLP reigned supreme on the legal lions list this week, securing the U.S. Supreme Court's favor for the country's largest cheerleading uniform supplier in a copyright infringement suit, while Amster Rothstein & Ebenstein LLP was among the week's legal lambs over another high court decision in which the justices axed its client's laches defense in a patent infringement suit over adult diapers.

Dewey Finance Staffer Says She Cooked The Books

A former Dewey & LeBoeuf LLP finance department staffer told a Manhattan jury Thursday she improperly reversed accounting entries on the law firm's books and lied to partners and others who questioned the suspect treatments.

Pro Bono Institute CEO Talks In-House Work For Public Good

In-house pro bono programs can boost morale and build stronger teams, but corporate legal departments need to address a few unique issues before launching one, according to Eve Runyon, president and CEO of the Pro Bono Institute.

Longtime Illinois Federal Judge John Darrah Dies At 78

U.S. District Judge John Darrah, who spent about 30 years on the bench in state and federal courts and earned a reputation as a fair and dedicated public servant, passed away on Thursday at age 78.

JOBS

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From: Public Policy Law360
Sent: Monday, March 27, 2017 5:28 AM
To: Rep07
Subject: After Repeal Fails, GOP Faces Pressure To Make ACA Work



Monday, March 27, 2017



TOP NEWS

After Repeal Fails, GOP Faces Pressure To Make ACA Work

The collapse of Republican efforts to repeal and replace the Affordable Care Act leaves GOP lawmakers and President Donald Trump facing strong pressure to help implement a law they have bitterly opposed for years, experts say.

ABA President Balks At Rep's Call For More Lawyer Ad Regs

The president of the American Bar Association pushed back Friday on a call from a U.S. House of Representative judicial leader for new regulations on "dangerous attorney advertisements" put out by firms seeking clients for cases against drugmakers, reminding him of First Amendment protections and rules that are already in place.

Analysis

EEOC Guidance Draws Fire For Stance On Orientation Bias

Law firms and LGBT rights advocates were among those who weighed in on the U.S. Equal Employment Opportunity Commission's new workplace harassment guidance before the recent comment deadline, discussing provisions that say Title VII prohibits harassment based on sexual orientation and a perceived paucity of

LAW FIRMS

Akeel & Valentine
Arnold & Porter Kaye Scholer
Blank Rome
Brownstein Hyatt
Covington & Burling
Cravath Swaine
Crowell & Moring
Davis Wright Tremaine
Debevoise & Plimpton
Dechert
Dewey & LeBoeuf
Doerner Saunders
Dorsey & Whitney
Edelson PC
Epstein Becker Green
Foley & Lardner
Gardere Wynne Sewell
Haynes and Boone
Hogan Lovells
Holland & Knight
Jackson Lewis
Jacoby & Meyers
Johnson & Bell
Karnopp Petersen LLP

detail on joint-employer liability. Here, Law360 looks at three areas of the proposed guidance that commenters want changed or clarified.

Analysis

What You Need To Know About The Border Wall So Far

With the U.S. government officially seeking proposals for the border wall, the Trump administration seems determined to get started on its wall project as soon as possible. Here's a look at the wall's potential costs, its contracting requirements and the many land, tribal and environmental issues that could get in the way.

Analysis

FCC Faces Quandary If Obama-Era Privacy Rules Get Boot

If the House follows the U.S. Senate's lead in voting to undo late Obama-era Federal Communications Commission privacy rules for internet service providers, experts say the FCC may face an untested legal question of whether it can adopt an alternative preferred by the agency's new GOP chairman.

Va. Court Refuses To Block Trump's Latest Travel Ban

A Virginia federal judge on Friday refused to issue a ruling blocking President Trump's revised travel ban, in a break with two other federal courts that have considered the issue, pointing to "substantive revisions" in the president's new executive order.

Federal Tort Reform Bill Could Save \$50B, CBO Says

The Congressional Budget Office said a tort reform bill that proposes to put a nationwide cap on noneconomic damages in medical malpractice cases arising out of federally funded health care programs could save up to \$50 billion in health care costs over the next 10 years.

BANKING & SECURITIES

Lawyers' Committee for Civil Rights

Miller & Chevalier

Miller Shakman

Morrison Cohen

Ogletree Deakins

Osler Hoskin

Pachulski Stang

Paul Weiss

Proskauer Rose

Reed Smith

Sauer & Wagner

Seward & Kissel

Seyfarth Shaw

Skadden

Squire Patton Boggs

Steptoe & Johnson LLP

Stroock & Stroock

Sullivan & Cromwell

Telecommunications Law Professionals

Thompson & Knight

Thrasher Dinsmore

Warren Environmental Counsel LLC

Weil Gotshal

White & Case

Winston & Strawn

Ziprick & Cramer

COMPANIES

AARP Inc.

Ally Financial Inc.

Altera Corporation

Amazon.com Inc.

America's Essential Hospitals

America's Health Insurance Plans

American Association of State

Highway and Transportation

Officials

Piwowar Applauds Market Study, Plans Exchange Fees Pilot

Acting U.S. Securities and Exchange Commission Chair Michael Piwowar on Thursday praised plans to launch an academic study of the U.S. securities markets as "long overdue" and revealed he has directed agency staff to propose their own plan to test the impact of altering the fees that exchanges charge for executing trades.

Fed, FDIC Seek Improvements In Northern Trust's Living Will

Federal banking regulators on Friday said that plans submitted by 16 U.S. regional banks outlining how they could be taken apart through bankruptcy were largely credible, but said that Northern Trust Corp. did not sufficiently address questions about how its international units could be taken apart.

Jacoby Loses 2nd Circ. Bid Over NY Outside Investor Ban

Jacoby & Meyers LLP lost its bid to revive its yearslong suit challenging New York state regulations barring nonlawyers from investing in law firms on Friday when a Second Circuit panel said the firm's free speech claims fell flat.

ENERGY & ENVIRONMENTAL

Trump Grants Cross-Border Permit For Keystone XL Pipeline

The U.S. Department of State on Friday issued a cross-border permit for TransCanada Corp.'s Keystone XL pipeline, fulfilling President Donald J. Trump's vow to move the controversial project forward after it was rejected by former President Barack Obama.

Colo. Appeals Court Revives Fracking Rule Proposal

The Colorado Court of Appeals said Thursday the state Oil and Gas Conservation Commission was too hasty when it told a group

American Bar Association
American Express Company
American Hospital Association
American Immigration Lawyers Association
American Medical Association Inc.
American Municipal Power Inc.
Apple Inc.
Associated Press
BB&T Corporation
Barclays PLC
Biogen Inc.
Bristol-Myers Squibb Company
CTIA
Cable-Satellite Public Affairs Network
Capital One Financial Corporation
Cargill Inc.
Chevron Corporation
Comerica Inc.
Corporation for Public Broadcasting
Credit Suisse Group AG
Deloitte Touche
Deutsche Bank AG
Discover Financial Services
Electronic Frontier Foundation
Enbridge
Facebook
Fannie Mae
Farm Credit System
Fifth Third Bancorp
Florida Bar Association
Freddie Mac
Genentech Inc.
Google Inc.
Human Rights Campaign
Huntington Bancshares Inc.

of residents it could not adjust its permit process to dedicate more resources to studying fracking projects' effects on public health, safety and welfare.

Power Co. Urges High Court To Review EPA Boiler Rule

An electric power wholesaler on Thursday asked the U.S. Supreme Court to strike down the U.S. Environmental Protection Agency's emissions rules for boilers and incinerators, saying the standards require "impossible perfect performance?" and outlaw accidental releases.

Pa. Landowners' Suit To Get Fracking Project OK'd Tossed

A Pennsylvania federal judge on Thursday dismissed a suit brought by landowners challenging the Delaware River Basin Commission's jurisdiction over natural gas wells in the face of the governing body's alleged de facto ban on the wells, deciding that the commission does have an oversight role and that individuals who want to extract natural gas must first seek its permission.

HEALTH & LIFE SCIENCES

ACA Repeal Bill Collapses In House

House Republicans on Friday called off a vote to repeal and replace much of the Affordable Care Act, a dramatic setback after President Donald Trump shut down negotiations and tried to force the legislation ahead.

IP & TECHNOLOGY

USPTO Forms Group To Implement Trump's '1 In, 2 Out' Rule

The U.S. Patent and Trademark Office announced Friday that it has formed a working group to identify regulations that can be eliminated under President Donald Trump's executive order that for every new regulation

Illinois Transportation Trade Association
Intel Corporation
International Business Machines Corporation
Johnson & Johnson
KeyCorp
Lambda Legal Defense & Educational Fund
Lawyers' Committee for Civil Rights Under Law
Lyft Inc.
M&T Bank Corporation
Massachusetts Bay Transportation Authority
Microsoft Corporation
Mobilitie LLC
Motion Picture Association of America
National Association of Broadcasters
National Association of Counties Inc.
National Employment Law Project
National Employment Lawyers Association
Natural Resources Defense Council
Nintendo Co. Ltd.
Northern Trust Corporation
Pacific Legal Foundation
Pfizer Inc.
Pitney Bowes Inc.
Pnc Financial Services Group, The
Public Knowledge
Regions Financial Corporation
Sanofi-Aventis
Sierra Club
Sonoco Products Co.
Southern Poverty Law Center

issued by government agencies, two others must be discarded.

House Bill Would Make Copyright Chief President Appointee

The House of Representatives on Thursday introduced a bipartisan bill that would make the register of copyrights a presidentially appointed position, in a move lawmakers are calling a first step in a broader overhaul intended to bring the office into the digital age by giving it more resources and more independence.

TRANSPORTATION & INFRASTRUCTURE

Calif. Advances Methane, Vehicle Emissions Standards

The California Air Resources Board on Thursday approved several anti-pollution measures including strict new regulations on methane emissions from oil and gas operations, a commitment to increase automobile fuel efficiency, and a plan to reduce short-lived climate pollutants like black carbon.

Chicago Cabbies Take Uber Regs Fight To Supreme Court

Chicago taxi companies Wednesday asked the U.S. Supreme Court to hear their arguments that city regulations covering ride-hailing platforms like Uber and Lyft violate the cab businesses' constitutional rights.

CLASS ACTION

Gay Surviving Spouses Win Fla. Death Certificates Suit

A Florida federal judge has shot down the state's policy of requiring a court order before it will add a surviving same-sex spouse to a death certificate when the death preceded the overturning of Florida's ban on gay marriage.

EMPLOYMENT

Stroz Friedberg LLC
Suntrust Banks Inc.
Svenska Cellulosa AB
T-Mobile USA Inc.
The Cato Corporation
TransCanada Corporation
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Bancorp
U.S. Chamber of Commerce
UBS AG
United Food and Commercial Workers International Union
Verizon Communications
Washington Metropolitan Area Transit Authority
Washington Post Co.
Wells Fargo & Co.
Yahoo! Inc.

GOVERNMENT AGENCIES

Alaska Legislature
California Environmental Protection Agency
Central Command
Central Intelligence Agency
Commodity Futures Trading Commission
Congressional Budget Office
Consumer Financial Protection Bureau
Corporation for National and Community Service
Delaware River Basin Commission
Department of Commerce
Equal Employment Opportunity Commission
European Commission
Executive Office of the President

8th Circ. Rules Cargill's Refusal To Bargain Flouted Labor Law

The Eighth Circuit in a precedential ruling Friday rejected Cargill Inc.'s challenge to the National Labor Relations Board's conclusion that it engaged in an unfair labor practice by refusing to bargain with a union in protest of its certification as the collective bargaining representative of employees at a California plant.

Calif. Judges' Recession Raises 'Absurd,' Appeals Court Told

A California deputy attorney general argued to a state appellate panel that a lower court misinterpreted a state law regarding salary increases for state judicial officers, resulting in the "absurd consequence" of finding them entitled to a pay raise during the state's fiscal crisis.

Ill. Lawmakers Must Be Paid Despite Budget Impasse: Judge

Illinois lawmakers must be paid despite the state's historic budget impasse, a Cook County judge ruled Thursday, reversing course for both current Democratic Comptroller Susana Mendoza and her predecessor, Republican Leslie Munger.

PRIVACY & CONSUMER PROTECTION

EU Lawmakers Declare 'Privacy Shield' Pact Inadequate

A European parliamentary committee on Thursday narrowly approved a resolution that slammed the EU-U.S. Privacy Shield data transfer pact for "key deficiencies" that need to be addressed during an upcoming review of the mechanism, including concerns over the U.S. government's alleged failure to curb sweeping surveillance efforts.

CFPB Gives Mortgage Lenders Flexibility In Fair Lending Law

Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Reserve System
Federal Trade Commission
Florida Department of Health
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
Library of Congress
Michigan Department of Treasury
Michigan Legislature
NAFTA
NATO
National Labor Relations Board
National Oceanic and Atmospheric Administration
National Security Agency
Nebraska Public Service Commission
Occupational Safety and Health Administration
Securities and Exchange Commission
Skokomish Indian Tribe
Smithsonian Institution
Suquamish Tribe
Tohono O'odham Nation
U.S. Army
U.S. Coast Guard
U.S. Copyright Office
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice

The Consumer Financial Protection Bureau on Friday proposed a rule change that would give mortgage lenders more flexibility in collecting information about the ethnicity and race of potential borrowers, potentially making it easier for lenders to comply with a key fair lending law.

AEROSPACE & DEFENSE

NATO Commander Wants More Resources To Counter Russia

The four-star U.S. general who heads NATO's military efforts in Europe told Congress on Thursday he needed more resources to help counter Russian aggression and that lawmakers should back Montenegro's efforts to join the alliance.

Manafort Will Talk To Congress On Russia Claims

Paul Manafort, the former campaign manager for President Donald Trump, is willing to discuss his alleged links to Russia with the House Intelligence Committee, Chairman Devin Nunes, R-Calif., said Friday, as the committee's top Democrat slammed Nunes for canceling a hearing regarding Russian interference with the presidential election.

DOD Blasts 'Incoherent' GAO Report On Security Cooperation

The Pentagon is at loggerheads with Congress' favorite watchdog agency over the latter's painstaking "inventory" of U.S. security cooperation programs with foreign governments, saying the new report is "scattershot and incoherent" and belongs in the waste bin in comments made available Friday.

INTERNATIONAL TRADE

Trade Protectionism Has A 'Bloody' History, WTO Boss Warns

World Trade Organization Director-General Roberto Azevedo continued his crusade against the rising tide of trade barriers on Thursday,

U.S. Department of Labor
U.S. Department of State
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Office of Personnel Management
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United Nations
Virginia Department of Transportation

warning that the "bloody" history of protectionism could rear its head once again if major economies abandon the multilateral trading system.

TAX

Ala. Gov. Signs Remote Vendor Sales Tax Reporting Bill

Alabama Republican Gov. Robert Bentley on Wednesday signed into law legislation requiring out-of-state sellers to report their sales to the state Department of Revenue and notify customers of their resulting tax obligations.

IBM Urges Justices To Review Michigan's Exit From Tax Deal

IBM on Friday slammed the Michigan Department of Treasury's claim that its backdated withdrawal from a multistate tax deal was not retroactive but rather a clarification of existing law, saying in a brief to the U.S. Supreme Court that the Michigan Legislature explicitly acknowledged it was acting retroactively when it repealed the deal.

Tax Court Upholds IRS Reg Against Nursing Home's Challenge

A U.S. Tax Court judge upheld an IRS distinction between individual and corporate taxpayers experiencing economic hardship in a Thursday ruling, rebuffing an oft-noncompliant Oklahoma nursing home seeking relief by challenging the rule as illegal.

INTERNATIONAL ARBITRATION

New Int'l Arbitration Regime Takes Effect In Ontario

The Government of Ontario has enacted legislation to adopt a new international arbitration law, including explicit recognition of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

IMMIGRATION

State Dept. Seeks More Scrutiny For Some Visa Applicants

The U.S. Department of State has instructed consular posts abroad to increase scrutiny for some visa applicants, according to a cable posted by the American Immigration Lawyers Association, implementing a memo that President Donald Trump signed along with his revised travel ban executive order.

Shiite Org, Yemeni Parents File Latest Travel Ban Challenge

The U.S. arm of a Shiite Muslim organization and a Yemeni husband and wife were the latest to challenge President Donald Trump's revised executive order banning people from six Muslim-majority countries from entering the United States, alleging Friday that the order is outright religious discrimination.

NATIVE AMERICAN

Wash. Tribe's Suit Contesting Hunting Grounds Gets Tossed

A Washington federal judge on Thursday tossed the Skokomish Indian Tribe's suit accusing members of the Suquamish Tribal Council and that tribe's fisheries director of encroaching on its hunting grounds, after finding that there are crucial parties that cannot be added to the dispute.

TELECOMMUNICATIONS

FCC Warned 5G Preemption Could Cost Localities 'Billions'

The National League of Cities, the United States Conference of Mayors and other organizations asked the Federal Communications Commission on Thursday to allow more time for comments on a request that it overrule local barriers to deploying fifth-generation wireless infrastructure, saying that

the issue is complex and could cost local governments billions of dollars annually.

EXPERT ANALYSIS

Trump's Skinny EPA Budget Could Have Far-Reaching Impacts

A review of President Donald Trump's recent budget proposal suggests that none of his goals for the U.S. Environmental Protection Agency would be well-served. In fact, the EPA, states, tribes and other federal agencies would all face serious issues in protecting human health and the environment, says Jim Rubin of Dorsey & Whitney LLP.

Limiting Presidential Powers At The High Court

The U.S. Supreme Court's recent ruling in *National Labor Relations Board v. SW General* certainly has the potential to genuinely impact the Trump administration. However, the real consequences of the court's ruling to employers, unions and others with business before the board may become apparent after NLRB general counsel Richard Griffin's four-year term expires in November, say Steven Swirsky and Laura Monaco of Epstein Becker & Green PC.

A Straightforward Insider Trading Statute Is Overdue

As Judge Jed Rakoff observed in a recent speech, it would benefit prosecutors, the courts and investors to have a clearly drafted statute setting forth, to the most specific degree possible, exactly what about insider trading is illegal, and why, say Jason Gottlieb and Daniel Isaacs of Morrison Cohen LLP.

Understanding Defense Strategies For 505(b)(2) Drugs

Manufacturers of new drugs submitted for approval to the U.S. Food and Drug Administration under 505(b)(2) face different challenges than innovators or generic

manufacturers. These manufacturers also have access to unique fact-based defenses, so they should closely review allegations setting out the type and dates information that plaintiffs argue should have led to a stronger warning, say Terry Henry and Ann Querns of Blank Rome LLP.

In Congress: Light Floor Schedule, Heavy On Committees

Republican leadership in the House and Senate will need to refocus their efforts this week, after a failed attempt to repeal and replace the Affordable Care Act. The lead-up to the canceled vote last week highlighted the divisions within the Republican conference, say Richard Hertling and Kaitlyn McClure of Covington & Burling LLP.

LEGAL INDUSTRY

News Analysis

Gorsuch Sets New Standard For Evasive High Court Nominees

Although all modern-day Supreme Court nominees have been famously reticent when facing the Senate, Judge Neil Gorsuch may have taken such evasiveness to a new level in his confirmation hearings.

Feature

How Cybercriminals Are Breaching BigLaw's Defenses

Lawyers have long been the target of sophisticated hackers who see them as soft and lucrative targets. But are legal industry safeguards keeping pace with the deep dark web?

New Lawyers Must Embrace Emerging Tech, Paper Says

An influx of new and emerging technologies means a number of legal industry changes and the possible elimination of legal work in certain areas, creating a need to educate up-and-coming law students on how to capitalize on these shifts, a new paper released on Thursday said.

GC Cheat Sheet: The Hottest Corporate News Of The Week

Most law firms say clients refuse to pay up for research costs, the U.S. Supreme Court rejects laches as a defense in patent cases, and Amazon gets a big win in its \$1.5 billion tax dispute over European licensing payments. Those stories top the corporate legal news you may have missed last week.

Campaign Lies Show Need To End Judge Elections, Prof Says

Attempts by states to shut down campaign lies by judicial candidates are likely unconstitutional and ultimately fruitless, a Florida law professor argued in a recently released paper, raising the question of whether popular elections should be eliminated altogether in order to enforce honesty.

Dewey Staffer Says She Didn't Think She Committed Crimes

A former Dewey & LeBoeuf LLP finance staffer told a Manhattan federal jury Friday she did not think she was committing a crime by making improper accounting entries into the law firm's books, and confirmed that former Executive Director Stephen DiCarmino never told her to do anything inappropriate.

6th Circ. Says Award Can Stand In Law Firm Partnership Row

The Sixth Circuit on Friday sided with three members of a now-dissolved law firm in a dispute over a fourth member's share in the partnership during retirement, finding an Ohio

federal court was right to allow an arbitrator to resolve the disagreement, and that her rulings were proper.

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

JOBS

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From: Public Policy Law360

Sent: Wednesday, March 29, 2017 4:34 AM

To: Rep07

Subject: Trump Energy Order Creates Tough Choices For Agencies



Wednesday, March 29, 2017



TOP NEWS

Analysis

Trump Energy Order Creates Tough Choices For Agencies

President Donald Trump ordered his administration Tuesday to review and possibly rescind several Obama-era energy rules and policies, some of which are already embroiled in litigation, but exactly how Trump's agencies will go about carrying out the anticipated rollback remains unclear.

Senate Set For Gorsuch Showdown Next Week

U.S. Senate leaders have vowed a showdown over the nomination of Tenth Circuit Judge Neil Gorsuch next week, promising a fight on Tuesday over President Donald Trump's choice to fill the late Justice Antonin Scalia's seat on the U.S. Supreme Court.

House Votes To Repeal FCC Privacy Rules

Congress has now voted to repeal Federal Communication Commission broadband privacy rules after a House vote Tuesday sent the controversial provision to President Donald Trump's desk.

LAW FIRMS

Akerman
Akin Gump
Alston & Bird
Arnold & Porter Kaye Scholer
Audet & Partners
Baker Botts
Cuneo Gilbert
Dentons
Dewey & LeBoeuf
Earthjustice
Goodwin
Greenberg Traurig
Holland & Hart
Kennerly Loutey
Kennyhertz Perry
Levine Kellogg
Levine Sullivan
Littler Mendelson
McGuireWoods
Morgan Lewis
Nossaman LLP
Ogletree Deakins
Orrick Herrington
Proskauer Rose
Seward & Kissel

Speaker Ryan Hints At Continued Action On Health Reform

Efforts to repeal the Affordable Care Act have not been taken out to pasture yet, Republican House Speaker Paul Ryan said on Tuesday, hinting that his caucus might bring forward new reform proposals in the future, days after he pulled a planned floor vote over defections within the Republican Party.

Senate Democrats Want Answers On Bharara's Firing

Senate Democrats Elizabeth Warren, Richard Blumenthal and Jeff Merkley on Tuesday demanded answers from Attorney General Jeff Sessions about why Preet Bharara was fired from his position as U.S. attorney for the Southern District of New York, especially given reports that he was investigating HHS Secretary Tom Price's stock trades.

Trump Signs Order Targeting Obama's Climate Legacy

President Donald Trump signed a sweeping executive order on Tuesday that directed the U.S. Environmental Protection Agency to start rolling back the Clean Power Plan, lifted the Obama administration's moratorium on coal leasing on federal lands and told the Department of the Interior to consider rescinding its rule regulating hydraulic fracturing on public and tribal lands.

Analysis

Future Rollbacks May Not Be As Easy As Blacklisting Repeal

President Donald Trump's repeal of the contentious Fair Pay and Safe Workplaces rule is welcome news for federal contractors, but despite the president's promises to repeal burdensome regulations, it remains uncertain when or if he will be able to roll back more rules affecting contractors.

GCs Ask Congress To Fund Legal Services Despite Trump Cut

Skadden

Tor Hoerman

Troutman Sanders

VLP Law Group

Venable LLP

Wiley Rein

Woodruff Spradlin

Zeldes Haeggquist

COMPANIES

AT&T Inc.

Adidas AG

Airbnb Inc.

American Bar Association

American Civil Liberties Union

American Express Company

Amgen Inc.

Apple Inc.

Asian American Center for
Advancing Justice

Association of Corporate Counsel

Biogen Inc.

Bristol-Myers Squibb Company

BuzzFeed Inc.

Center for Biological Diversity Inc.

CenturyLink Inc.

Comcast Corporation

Corporation for Public
Broadcasting

Cox Communications Inc.

Eli Lilly and Company

Ernst & Young

Fidelity Investments

Financial Industry Regulatory
Authority Inc.

Google Inc.

Hewlett Packard Enterprise Co.

International Business Machines
Corporation

McKesson Corporation

In the face of a proposal by President Donald Trump to fully eliminate federal funding for the the Legal Services Corp., general counsel from more than 180 major companies including Google, Adidas and Starbucks Corp. on Tuesday urged Congress to fully support the organization in the upcoming fiscal year.

BANKING & SECURITIES

Feds Flunk Wells Fargo On Community Lending Exam

A federal banking regulator flunked Wells Fargo & Co. on a review of its lending to minority and lower income communities, citing the bank's fake account scandal and other enforcement actions, the bank announced Tuesday.

MSRB Ad Rule Proposals Take Heat From Some Muni Advisers

The Municipal Securities Rulemaking Board's proposals to update advertising rules to apply to municipal advisers and dovetail with a FINRA rule have received mixed responses, with some advisers saying their services to local bond issuers are treated too much like the products sold by broker-dealers.

Stock Promoter Can't Sue To Stop SEC Action, Judge Says

A Kansas federal judge tossed a lawsuit to halt a U.S. Securities and Exchange Commission administrative proceeding against a stock promoter, saying Tuesday that the Tenth Circuit had vacated agency sanctions in a separate case under different circumstances.

ENERGY & ENVIRONMENTAL

Maryland Poised To Indefinitely Ban Fracking

Maryland state lawmakers on Monday approved legislation that would indefinitely ban hydraulic fracturing in the state, a bill that has the support of Gov. Larry Hogan and that, if signed, would

Medtronic Inc.
Microsoft Corporation
National Association of Home Builders
National Cattlemen's Beef Association
National Employment Law Project
National Federation of Independent Business
National Wildlife Federation
Netflix Inc.
New England Compounding Pharmacy Inc.
North American Meat Institute
Orange County Transportation Authority
Penn National Gaming Inc.
Pfizer Inc.
Rockland Capital LLC
Ryan LLC
SIFMA
Sierra Club
Starbucks Corporation
Symantec Corporation
TransAm Trucking Inc.
Twitter Inc.
U.S. Meat Export Federation
U.S. Pharmacopeial Convention
United Auto Workers
Verizon Communications
Volkswagen
Wells Fargo & Co.
Zeughauser Group LLC
eBay Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Reclamation
Centers for Disease Control and Prevention

represent the first state legislative ban of the controversial drilling technique.

Pa. Justices Won't Revive Citizens' Bid For Enviro Study

The Pennsylvania Supreme Court on Tuesday batted down an appeal from a group of state residents seeking a court order requiring the governor's office and several state regulators to conduct studies and develop plans to reduce greenhouse gases, upholding a lower court's decision that the petitioners do not have a clear right to have these requests satisfied.

Judge Denies FWS Bid To Shut Down Coastal Marten ESA Suit

A California federal judge on Tuesday denied a bid by the U.S. Fish and Wildlife Service to toss allegations that it made an unreasonable decision in not extending Endangered Species Act protection to the coastal marten, agreeing with the Center for Biological Diversity that the agency erroneously concluded that the animal's population was "robust."

Feds Ordered To Release More Water For Vulnerable Fish

An Oregon federal judge ruled Monday that, beginning in the spring of 2018, the U.S. government must boost water releases over spillways at a series of eight dams along the Columbia and Snake rivers in an effort to increase the survival of threatened salmon and steelhead that migrate up and down the waterways.

NJ Official Sues Online Critics Over Pipeline Vote Bashing

A New Jersey Pinelands Commission member has brought a defamation suit in New Jersey state court against 14 people over online criticism of her vote to approve South Jersey Gas' contentious proposal for a pipeline in an environmentally sensitive region, saying the remarks have damaged her livelihood as a realtor.

Congressional Budget Office
Consumer Financial Protection Bureau
Council on Environmental Quality
Executive Office of the President
Federal Acquisition Regulatory Council
Federal Bureau of Investigation
Federal Communications Commission
Federal Housing Administration
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Florida House of Representatives
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
Iowa Legislature
Legal Services Corp.
Municipal Securities Rulemaking Board
National Labor Relations Board
National Marine Fisheries Service
New York Attorney General's Office
Nez Perce Tribe
Office of the Comptroller of the Currency
Pennsylvania Department of Environmental Protection
Pennsylvania Public Utility Commission
Pennsylvania Supreme Court
Securities and Exchange Commission
U.S. Army
U.S. Department of Defense
U.S. Department of Energy

MEDIA & ENTERTAINMENT

Pennsylvania Lawmakers Push For Video Gambling Expansion

A bipartisan group of lawmakers from both houses of the Pennsylvania Legislature on Monday announced plans for a major push to expand gambling in the state, including video gambling at retail establishments, bars and restaurants.

Cute Kitten Bolsters Brief In Buzzfeed Defamation Row

Buzzfeed Inc. can't suddenly plead ignorance of where Florida is just to avoid facing a lawsuit, a Russian technology executive argued in a filing that employed clickbait-worthy tactics, including BuzzFeed-like lists and a photograph of a kitten, as part of his bid to keep his defamation suit against the company in the Sunshine State.

TRANSPORTATION & INFRASTRUCTURE

Calif. Toll Operators Defend System As Constitutional

The operators of the 91 Express Lanes in Orange County, California, told a federal judge Monday that they're well within their authority to use driver information to collect unpaid tolls, slamming a proposed class of motorists who allege their privacy is being violated and that the tolls are unconstitutional.

Auto Union Urges DC Circ. To Uphold VW Unit Ruling

A United Auto Workers local urged the D.C. Circuit on Monday to back the National Labor Relations Board's approval of a micro-unit of maintenance workers at Volkswagen's Tennessee plant, saying the unit met the labor board's standard to qualify for collective bargaining.

AEROSPACE & DEFENSE

U.S. Department of Health and Human Services

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. Senate

U.S. Supreme Court

DOJ Terrorism Monitoring Program Upheld By Calif. Judge

The U.S. Department of Justice crossed the right T's in establishing a lower-than-"reasonable suspicion" standard under which local law enforcement submits reports of potential terrorist activity, a California federal judge said Monday in tossing a lawsuit challenging the collection program as profiling.

REAL ESTATE

Bill Barring Restrictions On Airbnb Advances In Fla. House

A Florida House subcommittee voted Tuesday to approve a bill that bars cities and counties from passing new ordinances restricting short-term rentals, setting up a showdown between Tallahassee and Miami, where local governments have launched an attack on Airbnb and similar short-term rental platforms.

EMPLOYMENT

Iowa Senate OKs Rollback Of Local Minimum Wage Increases

The Iowa Senate on Monday approved legislation that would freeze the state's minimum wage at the federal rate of \$7.25 per hour and retroactively invalidate any local laws mandating an hourly rate that exceeds the state standard.

COMPETITION

FTC To Counter State Special Interests, Ohlhausen Says

The U.S. Federal Trade Commission will advocate on a state level to oppose special-interest groups seeking to impose onerous job licensing requirements and other regulations that limit competition, FTC Acting Chair Maureen K. Ohlhausen said Tuesday.

PRIVACY & CONSUMER PROTECTION

Analysis

NY's 'Right To Be Forgotten' Bill Needs Narrower Focus

New York lawmakers are weighing novel legislation that would force online publishers such as Google to delete information flagged as inaccurate or irrelevant. But the bill's failure to account for First Amendment rights makes it unlikely that the sweeping proposal will go very far, attorneys say.

INTERNATIONAL TRADE

Meat Industry Wants Trump To Break Chinese Beef Block

Major U.S. meat industry groups on Tuesday urged President Donald Trump to press China to move forward on its plan to lift its decade-plus mad cow disease-based ban on U.S. beef, arguing that domestic companies are missing out on a billion-dollar market.

TAX

Insurers Say Reporting Rules Taint Them As Tax Scammers

The Internal Revenue Service was hit with a lawsuit on Monday over a notice it issued in November identifying potential tax-avoidance maneuvers involving in-house insurers, with two managers of such companies accusing the agency of unfairly tainting them as tax scammers.

IRS Seeks Comment Again On New Accounting Standards

The Internal Revenue Service on Tuesday issued a request for comments on proposed procedures to allow taxpayers to change financial accounting methods under new international standards for recognizing revenues and the impact of those changes on

differences between financial accounting and tax accounting rules.

US Cos. Avoiding More Than \$700B In Taxes, Report Says

Fortune 500 companies are holding \$2.6 trillion in profits offshore largely in tax havens, avoiding as much as \$767 billion in U.S. corporate income tax, according to a report from the Institute on Taxation and Economic Policy released Tuesday.

IMMIGRATION

Miss. Gov. Signs Anti-Sanctuary City Measure

Mississippi Gov. Phil Bryant on Monday signed a bill targeting so-called sanctuary cities and other locales and public institutions that choose not to cooperate with federal agents on checking individuals' immigration status.

House Panel Hears From Sanctuary City Opponents

A House subcommittee on Tuesday listened to witnesses opposed to the policies of so-called sanctuary cities whose local law enforcement agencies don't cooperate with federal immigration authorities, hearing testimony urging Congress to crack down on those jurisdictions.

TELECOMMUNICATIONS

FCC To Provide Funds To Bring 4G LTE To Rural Areas

The Federal Communications Commission moved forward Tuesday with a second phase of funding that allocates up to \$4.53 billion over the next decade to provide cell phone and internet services to areas without them.

Dem Lawmakers Urge FCC Action On Cellphone Cybersecurity

Sen. Ron Wyden, D-Ore., and Rep. Ted Lieu, D-Calif., in a letter on Tuesday asked the

Federal Communications Commission to move quickly to take on "fundamental security threats" to cellphones, saying that self-regulation by the industry isn't working and the vulnerabilities are clear.

Trade Group Warns FCC Of Special Access Market Power

A competitive networks trade group has asked the Federal Communications Commission to recognize the power of older providers in the market for business data services, also pushing the agency to seek feedback if it intends to change course from earlier findings, according to a filing posted publicly Tuesday.

PEOPLE

Greenberg Traurig Lures Enviro Pro From Holland & Hart

Greenberg Traurig LLP said Monday it has bolstered its government and environmental practices by picking up an experienced environmental policy lawyer and former U.S. Department of the Interior special assistant to the solicitor from Holland & Hart LLP.

EXPERT ANALYSIS

'Blacklisting' Rule Rejection May Begin Pro-Employer Trend

On Monday, President Donald Trump signed a congressional resolution blocking implementation of President Obama's Fair Pay and Safe Workplaces executive order. This may be an initial step toward dismantling many employment-related requirements that the Obama administration placed on federal contractors, and may indicate the Trump administration's overall direction on employment issues, say Brett Coburn and Anna Saraie of Alston & Bird LLP.

Judge Gorsuch's Dubious Commitment To Legal Textualism

In practice, being an “originalist” or a “textualist” is a lot like being “gluten-free” except when it comes to pasta and bagels. Most “textualists” are happy to apply these concepts rigorously when it will produce the result they want — but they’ll relax or ignore them if it produces a politically inconvenient outcome. Judge Neil Gorsuch seems to fit this profile, says Max Kennerly of Kennerly Loutey LLC.

What New Bulk Substance Rules Mean For The Drug Industry

The U.S. Food and Drug Administration has recently included six bulk drug substances on the 503A bulks list, which allows drug compounders to bypass certain regulations for some drugs. Though progress is welcome, some pharmacists are expressing frustration over how long it is taking the FDA to finalize its guidance, says Keith Hasson of Hasson Law Group.

LEGAL INDUSTRY

Analysis

How To Get A Foothold In The NY Legal Market

The classic song “New York, New York” proclaims, “If I can make it there, I’ll make it anywhere,” and many law firms have taken that mantra to heart as they attempt to gain traction in the brutally competitive New York legal market. Here, firms that have made it in the Big Apple offer tips to those still seeking their big break.

Analysis

What GCs Can Learn From Legal Operations Pros

It’s the job of legal operations directors to ensure the law department runs at peak efficiency and effectiveness, so it’s no surprise that they’re full of wisdom about how in-house teams can improve. Here are three legal operations professionals’ top tips.

Dewey Cooperator Says He Never Told CFO Of Fraud

The former controller for Dewey & LeBoeuf LLP on Tuesday told a Manhattan jury that he never told former Dewey Chief Financial Officer Joel Sanders that the law firm wasn't in compliance with its lending agreements, as the retrial of Sanders and former Dewey Executive Director Stephen DiCarmine neared the two-month mark.

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CC: JENNIFER.STUEBER@ohioturnpike.org; MARTIN.SEEKELY@ohioturnpike.org; MATTHEW.COLE@ohioturnpike.org; SHARON.ISAAC@ohioturnpike.org; DAVID.MILLER@ohioturnpike.org; ADAM.GREENSLADE@ohioturnpike.org; TONY.YACOBUCCI@ohioturnpike.org; BRIAN.NEWBACHER@ohioturnpike.org; MARK.MUSSON@ohioturnpike.org; WILLIAM.KEATON@ohioturnpike.org
Subject: Second Notice - OTIC May 15, 2017 Commission Meeting
Attachments: DRAFT MINUTES OF THE 04-17-17 MEETING - 639th .pdf; Second Notice for the 5-15-17 Commission Meeting.pdf; 1 - Resolution Approving Selection Kokosing Constr. Corp. Under Project 59-17-03.pdf; 2 - Resolution Approving Selection of 3M to Supply Retroreflective and Non-Reflective Sheeting Under Inv. 4292.pdf; 3 - Resolution Authorizing Participation in ODOT COOP Contract 018-18 for Road Salt for 2017&2018 Season.pdf; 4 - Resolution Authorizing the Acquisition of Software, Services & Maint for OnBase from Prime AE.pdf; Agenda 5-15-17.pdf

Dear Commission Members:

Attached please find the draft Minutes of the April 17, 2017 Commission Meeting; second notice for the May 15, 2017 Commission Meeting, which will commence at 10:00 a.m.; the Meeting Agenda; and resolutions:

1. Resolution Approving the Selection of Kokosing Construction Company to Repair and Resurface the Roadway in Cuyahoga County Under Project No. 59-17-03 for the Total Amount of \$3,910,734.35 and Approving the Assignment of GPD Group and CTL Engineering, Inc. to Perform the Professional Services for the Project;

2. Resolution Approving the Selection of the 3M Company to Supply Reflective and Non-Reflective Sheeting and Electronic Cuttable Overlay Film Under Invitation No. 4292 for a Period of One Year, with the Options to Renew for Two Additional One-Year Periods, in the Total Estimated Amount of \$195,000.00;
3. Resolution Authorizing Participation in the ODOT Cooperative Purchasing Program Contract 018-18 for Road Salt During the 2017/2018 Winter Season;
4. Resolution Authorizing the Acquisition of Software, Professional Services and Maintenance Support for the OnBase Document Management System and Workflow Solution from Prime AE Group, Inc. in the Total Amount of \$172,804.92; and
5. Resolution Authorizing Execution of the Collective Bargaining Agreements for the Full-Time, Part-Time and Radio Room Operator Bargaining Units Represented by the Teamsters Local Union 436.

If you are unable to attend the Commission Meeting, please do not hesitate to contact me. Thank you.

Sincerely,



Jennifer Diaz

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**MINUTES OF THE 639th MEETING OF THE
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION
APRIL 17, 2017**

Chairman: Good morning. Will you please stand and join me in reciting the *Pledge of Allegiance*?

The meeting will come to order. Have all guests signed the sign-in sheet in the Lobby? If not, please do so prior to leaving, so we can maintain an accurate account of attendance.

Today, we welcome State Representative Thomas F. Patton, who was appointed to the Commission on February 1, 2017, by the Speaker in the Ohio House of Representatives, 132nd General Assembly. I believe you all remember Tom's background. He was the Chairman of the Senate Transportation Committee, Majority Leader in the Senate, and he is now serving as the Majority Whip in the House. Thank you and welcome to the Commission. It is great to have you. We look forward to your expertise in the various things that we partake in.

Unfortunately, Mr. Dixon, Ms. Cafaro and Mr. Kauffman are unable to attend today's meeting and are excused. Also, Chief Engineer, Tony Yacobucci is not here today, but Chris Matta is here and Chris will do an outstanding job.

Will the Assistant Secretary-Treasurer please call the roll?

Assistant Secretary-Treasurer: Chairman Hruby

Chairman Hruby: Here

Assistant Secretary-Treasurer: Vice Chairman Paradiso

Vice Chairman Paradiso: Here

Assistant Secretary-Treasurer: Commissioner Barber

Secretary-Treasurer Barber: Here

Assistant Secretary-Treasurer: Mr. Peterson

Mr. Peterson: Here

Assistant Secretary-Treasurer: Mr. Pakush

Mr. Pakush: Here

Assistant Secretary-Treasurer: Senator LaRose

Senator LaRose: Here

Assistant Secretary-Treasurer: Representative Patton

Representative Patton: Here

Chairman: We have a quorum. This is the 639th Meeting of the Ohio Turnpike and Infrastructure Commission. We are meeting here at the Commission's headquarters, as provided for in the Commission's Code of Bylaws for a Commission Meeting.

Various reports will be received, and we will act on several resolutions. Draft copies have previously been sent to the Members and updated versions are in the Members' folders. The Resolutions will be explained during the appropriate reports.

May I have a motion to adopt the Minutes of the March 20, 2017, Commission Meeting?

Call the roll, please.

MOTION: A motion to adopt the Minutes of the March 20, 2017, Commission Meeting was made by Chairman Hruby and seconded by Mr. Pakush. All Commission Members present voted to approve the Minutes.

Chairman: The Minutes are adopted. If there are no questions, we will proceed with the report of the Secretary-Treasurer, Mrs. Barber.

Secretary-Treasurer: The following items have been provided to the Members since the last scheduled meeting of the Commission on March 20, 2017:

1. Four Resolutions;
2. Draft Minutes of the March 20, 2017, Commission Meeting; and

3. Agenda for today's meeting.

We have included in their folders for today's meeting, the following additional documents:

1. Traffic Crash Summary Report, March 2017;
2. Traffic and Revenue Report, March 2017;
3. Total Revenue by Month and Year, March 2017;
4. Investment Report, March 2017;
5. Financial Statement, March 2017
6. Budget Report, First Quarter 2017; and
7. Various news articles.

Chairman: Thank you. Any questions for Mrs. Barber? We will now move on to the report of the Executive Director, Mr. Cole, who is a new daddy. We welcome your son into the world.

Director Cole: Yes, thank you, Mr. Chairman. Alden was born March 21, 2017. Mom and son are doing great and his siblings love him to death.

Very briefly, Commission Members may have noticed on the drive in today that construction season has started. On top of everyone's mind is the safety of our employees and contractors. This year, we have taken some additional steps to encourage and promote safety in our work zones. Last week, several Turnpike staff attended a "Toward Zero Death" Network Meeting in Medina. Staff from Safety Services, Marketing Communications and Engineering & Maintenance collaborated to create this Flagging Handbook for use on the Turnpike this year. At the end of March, we held a comprehensive construction engineering and inspection meeting with our contractors that emphasized our policies and work zone safety. In addition, Cory Skoczen, our Safety Services Manager, and John Hall, Safety Services Coordinator, are checking our work

zones and doing infield training with our employees. Of course, the most important thing is for drivers to operate without distractions and to move over and slow down in work zones. To help raise awareness, we held a customer appreciation day on Friday, April 7th with a clear emphasis on distracted driving and work zone awareness. I hope everyone maintains that focus, so that we can go with as few incidents as possible this year and certainly help prevent any fatalities.

That concludes my report.

Chairman: Thank you, Mr. Director. Are there any questions or comments? Hearing none, we will move on to the report of Jacobs Engineering.

Director Cole: Mr. Chairman, before Marty reports on our current finances and revenue, we have the team from Jacobs Engineering here to overview the recommendation of the Commission about how we should collect tolls and provide customer support in the future. I would like to be clear that this is just an overview presentation today. Months of additional work will be required before a final report is brought to the Commission for approval later this year. We will also begin a very thorough stakeholder, community and public outreach effort to gain feedback before the Commission takes any action. Since I provided an interim update at the February meeting, we have refined the numbers and work diligently to craft an approach to modernizing our toll collection system without introducing significant revenue risk to our financial position. On the operations side, the recommendation you will hear will allow us to gain significant efficiencies without widescale organizational changes. A convincing majority of our 14,000 surveyed customers told us to remove gates and to make the use of our roadway more convenient. The plan being presented allows us to begin doing so in less than three years. I am very proud of the effort, focus and thoughtfulness of the Turnpike advisory team that continues to guide this project. It has been a pleasure working with the Jacobs' team of Rick Gobeille and Sean Tihal, who are here

today to make the presentation. They both did a great job understanding our operations, capturing data and providing thoughtful and meaningful insights from their experience around the country to help shape this plan. Rick and Shawn, please share what you recommend to the Commission.

Rick Gobeille: Thank you, Director Cole.

Chairman: Before you begin, please give us a little background about your company.

Rick Gobeille: Jacobs, itself, is a 60,000 employee, international engineering consulting firm. Within that, there is a group that is called the Infrastructure Consultancy, that I am the leader of. It is about thirty professionals that focus on toll roads, transportation, airports, revenue collection and that type of work. Myself, personally, I have been doing toll work since 1989. I actually did the original feasibility study for *E-ZPass*® and the original testing of what is the *E-ZPass*® technology in the early 1990's. We have been working with the Ohio Turnpike here, we did the work for the current *E-ZPass*® system, the strategic planning for that and we work nationwide. We work in about thirty of the fifty states, almost every one of them that has tolls. We have a great deal of experience and background. In the process that we are going to talk about here, we work with an open mind. There isn't one solution. There is the right solution for each of our clients. I think we really stay true to that process here and as I go through how we did the work, I think you will see that in the information that is there.

Chairman: Thank you.

Rick Gobeille: (PowerPoint presentation is attached hereto as an Exhibit.) Why did the Commission undertake this effort? Well, the current toll collection system is coming to the end of its useful life. A lot has changed in technology over the past ten years. A lot has changed in the expectation of customers and a lot of things have evolved in the ten years from the last time that the system was turned over. We had set up for a consensus building process where we worked

through a whole series of steps, including establishing goals, doing an analysis, doing a risk analysis, and whittling down options until we got to what we truly believe is the preferred alternative for this system. In every project, you need two things to make it successful, which is a clear set of goals and a clear set of expectations of how it is going to work. A successful project may not be deemed successful if the expectations for it aren't realistic or in line with the goals of the project. The first step we did was to actually set up the goals and some of them may be in conflict with each other, and that is the whole key to the consensus building process we went through. The group decided that they wanted to achieve quality customer service and provide value and travel benefits to them. They wanted to do it in a fiscally responsible way, not to bankrupt the Commission, not to require high toll increases, to assure revenue collection is consistent and be financially prudent. They also wanted to be innovative, adaptive, forward looking, and progressive (*i.e.*, where is toll collection going, what is it the customers are wanting, how can the Commission best be positioned in the future?) to achieve all of their goals.

One of the processes we did was interview all of the staff members at the different levels to find out what their needs were and what was important to them, what they saw that needed to be improved, and what worked well. One of the things that came across, was the existing system was successful and it did meet the goals that were established at that time, but it is time to move on to new things. It is at the end of its useful life and is becoming very difficult to modify it, to improve it, and to find spare parts. There are some needs to try and improve how it functions operationally for the customers and for the staff to try and gain more efficiencies, and take advantage of new technology that is out there. As Director Cole mentioned, the customers would like to see some changes. They would like to see gates removed based on their satisfaction surveys. So, how can we provide a more convenient and efficient method of travel for the customers? We

did a lot of new surveys. We did the survey which was presented to you before to your existing customers, but we also did some license plate surveys to actually find out who the cash customers are. You are already familiar with the *E-ZPass*® customers, you know who they are, you know how they operate, and we did a license plate survey and we found out a great deal of the Commission's cash customers are from out-of-state. It is a different segment you need to work with and how to address them. The trucks are also from out-of-state that are paying cash. You may not know, but a great deal of your revenue is actually collected by the New York State Thruway Authority through the *E-ZPass*® accounts. It is similar with the cash payers. A great many of your truck users are not from Ohio and that was a consideration in how we looked at the alternatives.

I am going to highlight one of the items, which was presented to you before, which is the stakeholder survey results. 89% of the Commission's customers and 94% of the stakeholders, and that would be the truck operators, AAA and things like that, supported removing gates. The Commission is one of the last agencies that does have gates on the toll collection system. Most of the other systems facilitate free-flow of traffic at lower or higher speeds, and I think that is one of the important things that we took out in the process we went through.

Some of the things that we found looking at the existing system is that it does work well, and the ongoing audit of it continues to function well and meet the needs of the system, but there is becoming a great lack of spare parts available for it, making it much more difficult to maintain. There are some national standards of interoperability that are out there necessitating a future need for *E-ZPass*® readers that can read more than one type of tag. There is a goal in the federal government to have everybody be interoperable of each other, not just *E-ZPass*®, but *E-ZPass*® with *SunPass*®, and *FasTrak*® in California, and it is time to consider replacing the system. This

is an interesting part of the process. Once we established the goals, we presented to the group a series of alternatives and in combination there was over three hundred potential alternatives we looked at for the future of toll collections and operation and customer service centers facilities for the Commission.

There were three main areas we looked at. One was the toll system configuration operations. Just to briefly describe that, you operate today what is called a ticket system. A vehicle gets on the Turnpike and gets off the Turnpike and they pay for the distance they travel and that is a ticket based system. There are other toll systems out there, which are commonly referred to as barrier systems, where each vehicle passing a fixed point pays the same toll. For example, a full-length trip might have ten barriers across the turnpike rather than just getting on at the Eastgate and getting off at the Westgate. There are advantages and disadvantages of those. There is also the ability to mix those to do part barrier and part ticket system, so those are all options that we looked at. There is the actual method of collecting revenue. Today, there are two methods of collection on the Turnpike, you collect with *E-ZPass*® and you collect with cash, but in a way, you really have three methods now: you have *E-ZPass*®, cash and credit cards, which introduces a whole new dynamic into the actual collection process. It is actually slower than cash.

Director Cole: But we have made it faster.

Rick Gobeille: We have made it faster, so we need to recognize a change in the dynamics of how people pay and conduct business day-to-day in the workplace.

Second, is the other method you have out there now, where you have the automatic toll payment machines, that is basically a cash or credit card transaction, but conducted without a collector.

The third area we looked at is how to actually operate the customer service center. Today, you operate your own, you have your own staff, own employees who manage the account with the customer, they handle the processing of payments, they handle the distribution of transponders, and you don't do any enforcement of violations today because you don't have any. You don't have people who can go without paying a toll, because you have a gate there. One of the other future collection methods that we looked at, was all electronic toll collection, which you probably read a little bit about, where there is actually no person involved at the point of collection. They either take an electronic transaction or an image of a license plate, and process the toll that way. The processing of that image would occur in a customer service center. So, we had to look at different alternatives to actually process transactions in the back office and what you do today. From those three hundred combinations, we whittled it down to fifty-six combinations that we did a detailed numerical analysis on. The first several we did much more of a qualitative pass/fail discussion on to narrow it down to sixteen different alternatives. In those, we did a comparative analysis of all of the factors that were involved, the capital cost of construction, the amount of revenue that can be collected out of each one of them, the operating costs that go with each of them. We did them numerically and then we also looked in to other aspects of it. For example, how would it be viewed by the customers, would they be viewed positively or negatively, is it a benefit to them and to the different stakeholders? A third level we looked at is how easy would it be to implement these different alternatives; how well do they translate out into the future? All of those factors went into an evaluation and we ultimately scored fourteen of the over three hundred different alternatives we started with to rank them against each other to see which were the most positive for the Commission.

I am going to describe what was identified as the best alternative for progressing forward. I have to point out; this is the best alternative as evaluated against the goals of the project. You remember that those goals were fiscally responsible, to provide good service and to be innovative and forward looking and this is the best combination of all of those. The system that is proposed is going to be a little bit complicated going through the words, but we will get to a map that will make it a little bit easier to understand. The plan is to implement highway speed *E-ZPass*® at the Eastgate and Westgate. What that means is if you have an *E-ZPass*® transponder, you can continue through the toll plazas at seventy miles-per-hour and you don't have to slow down or stop at all at both the Eastgate and Westgate. We would convert the Eastgate and Westgate to what we call "barrier toll collection." That means that all vehicles paying cash at those locations would pay the same fixed toll rate. We will show you potential rates that were worked out a little bit later in the graphic. We would also then move in to milepost 49 and milepost 214, new endpoints of the ticket system. So, we would construct two new barriers across the roadway, both of those would also facilitate the seventy miles-per-hour high speed *E-ZPass*®, but they would be the beginning of the ticket system as it is today, so milepost 49 would act as the Westgate does today and milepost 214 would act as the Eastgate does today. In between those locations, we would remove nine toll plazas, they would no longer be there, but there would still be the access to and from the Turnpike from those, but the toll collection would not occur there. The remaining interchanges, the gates were removed for all of the *E-ZPass*® lanes, and at all the lanes at entry the gates would be removed, so it would facilitate free-flow of traffic at all of the facilities, not at the same highway speeds, but at ten to fifteen miles-per-hour and at some selected locations that may be a little bit faster, but all of those barriers of travel will be removed to make travel more convenient. We would replace the toll collection system hardware and software as part of this to facilitate to higher

speed and to be prepared for future generations of technology of toll collections. The *E-ZPass*® customer service center would continue to be operated in-house by Ohio Turnpike staff. It would be a little bit larger. There would be a little more transactions and aspects of the violations, the review of images, would probably be outsourced to another vendor to actually process the images to process the violation transactions. So, this is a map that shows you basically how it would change. The Eastgate and the Westgate become barrier systems and actually at the Eastgate we are only going to collect tolls in one direction, westbound into Ohio to compliment the Pennsylvania side that collects tolls eastbound into Pennsylvania, so there would be a two-way pair between Pennsylvania and Ohio on the Eastern section. The red interchanges become free, so there would be no toll collection at those locations and you can actually travel between those locations free of charge, free of paying a toll and then the green interchanges retain the current ticket based system of toll collection. So, what are the alternative benefits in impacts? Well one of the things is, we are going to provide technology and customer service improvements without introducing significant revenue risk. Those small interchanges in the east and west have very small volumes of traffic and there is a very low risk of revenue that is lost from there that can be made up throughout the rest of the system. For *E-ZPass*® customers going to full length of the Ohio Turnpike, they can go seventy miles-per-hour all the way, they never have to stop, the plazas along the mainline would be designed in such a way that there wouldn't be things blocking them from cash paying customers and be continuous free flow traffic for them. The *E-ZPass*® customers everywhere else in the system would also benefit from not having to stop for the gates, these would be slower and medium speed *E-ZPass*® exits at all of those interchanges. Then, as we pointed out, for travel within toll plaza 13 and toll plaza 39 and toll plaza 215 and toll plaza 234, trips within those areas would become free. There wouldn't be a charge for travel between those interchanges

because they wouldn't actually pass a point of toll collection, and eastbound trips into Pennsylvania at toll plaza 239 wouldn't be charged a toll either. So, what else does this mean? Well, a full-length customer who will stop less, they won't stop at all with *E-ZPass*®, a full-length trip customer today is paying with cash will actually stop four times, so there will be more times they need to stop, they will need to stop at what is today the Eastgate and Westgate and at the two new barriers on the mainline, so there would be more stops for them. There will be some reductions in toll collection staff available to the Commission by the removal of those interchanges, some of them are even unstaffed currently, but an opportunity there to generate some operating cost savings. We estimated in this comparative analysis it was worth over \$230 million over the thirty-year period that we were looking at this analysis. There will be an increase in net revenue because of how the tolls would be structured and because of the savings in operating costs. It would about a \$37 to \$40 million increase in net revenues over that same period of time all without changing any toll rates, without accounting for any administrative fees or costs that may come from violations. To start the program, there is approximately \$130 to \$150 million dollars of capital investment and a good portion of that is actually the removal of the toll plazas that are out there.

So, where is the process right now? We have identified what the preferred alternative is, now it needs to be fully identified where we do a little more detailed analysis on that specific one, rather than the comparative one of the different alternatives. There is some key policy decisions in the business rules that would need to be made. For example, we did mention that we didn't establish any kind of protocol for a violation such as what would the fee be or fine for that, so some business rules and things would need to be fleshed out for this change in the collection to actually work. A schedule would be developed with all of the milestones. A final strategic plan

report and then that would be brought to the Commission for approval. From there, we would continue the public and stakeholder outreach and go out there and explain what it is. There may need to be some legislative rulemaking and changes in there to address the ability to pursue violators or perhaps in the future to do all electronic toll collection. We would then go and get the contracts to procure the toll collection system and the construction that needs to occur, execute the project, and it is believed the timeline that this would work is in the 2020 timeframe to get this process through.

This is a progressive step to the future. It sets up a system for the Commission to get to the all electronic toll collection that some of the Commission's sister agencies are starting to pursue or in the process of pursuing. It gets you there in a fiscally responsible way. It moves you from where you are today, where you actually have gates and collect, into a system that can get you to all electronic tolling and it does it in a fiscally responsible way and I think it is a good sound program for the Commission to follow as a step for moving forward.

My presentation is complete, I would be happy to answer any questions.

Director Cole: Mr. Chairman and Commission Members, just two quick points of clarification before we get into questions. One, that we didn't specifically mention in the presentation is that the existing toll rates structure that is in place through 2023, the cents per mile the trucks and cars are paying today is in place in all of the numbers and analysis here. I wanted to be very clear on that, so when we talk about a barrier toll, that would be a specific calculated toll, but the underlying rate per mile is based on what our current approved toll schedule is. It is not a toll increase presented under these numbers, it is just that calculation to create the barrier calculation, but we anticipate maintaining the toll rate schedule that was put in place during the passage of the Jobs and Transportation Plan.

The second is on what Rick refers to as "free trips," I refer to them as "untolled trips," and just to be clear, there would not be a toll collected within those sections of the Turnpike because there would be no tolling infrastructure at those interchanges. So, if you got on at one exit and got off at the next exit there wouldn't be a toll collected. However, if you get on at any of those interchanges and leave the state you are going to pay the barrier toll. If you drive through the state, once you get to the ticketed part of the system, you would still pay within that. It is just within those sections where you see the red interchanges. Once you proceed on the Turnpike further than that, except for eastbound going into Pennsylvania, there wouldn't be any toll collected there, but every other movement outside of those sections, you are going to have a toll collected at the same rate that everyone else is paying and then *E-ZPass*® pretty much stays the same. One of the reasons we did what we did eastbound into Pennsylvania, just to be clear, is for those of you who travel in to Pennsylvania, you know that once you cross that line, you pay \$7.00 and then once you cross it, you can get off anywhere because they have that barrier system at the beginning. We have already seen some level of diversion because people are getting off the Turnpike earlier rather than traveling through the Pennsylvania Turnpike, so since they already have \$7.00 on their side, we are hoping we can get some of our traffic back on to the Turnpike heading east. But, they don't toll coming west, so that \$3.50 we would be charging coming back is significantly less than what Pennsylvania charges you going into their state, so we would be collecting that from people coming in to Ohio from Pennsylvania. Just a couple of points of clarification before we move on, Mr. Chairman. Thank you.

Chairman: Thank you. Any questions from the Commission Members.

Senator LaRose: Thank you, Mr. Chairman. One would be the investment that we have made in our service plazas and the untolled areas on the east and west side. Would there now

be decreased revenue at the service areas because people know that I can get off, go to the gas station, and essentially get back on?

Rick Gobeille: I am going to offer an opinion on that one. We didn't specifically look at it. For example, the Garden State Parkway in New Jersey operates that way. The cost of gas is established by the average rate of a number of gas stations in New Jersey and it actually generates revenue for them. Where people will then go on to the parkway to buy gas because it is a lower rate on the toll road than it is on the free road. There are many examples of toll facilities, I-95, the Kennedy Highway in Maryland, it is barrier, but they have their service plazas within three sections. The Connecticut Turnpike has no tolls at all when they took them away, but they have and continue to maintain and improve the service plazas around it. So, I am offering an opinion as I didn't do a calculation. I don't think that would be a risk to you and where they are, I am not sure, I have driven the road three or four times in my life, all the way out, the full length, and a lot of the interchanges, I don't think there are a lot of places to go just off the interchange, particularly in the western section.

Senator LaRose: With what the quality of the work we have done at our service plazas would be, they would compete and win in the free market environment that would exist here?

Director Cole: In addition to what Mr. Gobeille was saying, we didn't specifically analyze the numbers behind that in the projections you see here, but when Mr. Gobeille said an *E-ZPass*® customer, like an *E-ZPass*® truck driver wouldn't stop, well I almost interrupted to say except at our service plazas because the gas prices, our partnerships with Sunoco, the high quality of services and additional steps you are going to see the Turnpike take in the next year to get more information to our customers, more loyalty to them, issues like truck parking availability, knowing where the truck parking space are, is what drives them to your facility, not necessarily the toll at

the interchange, so we are working on that. Marty and I have begun discussing the potential impact of increased community use of our service plazas and again, we have to work through the numbers and the policies, but everybody has to remember there is a back gate to all of our service plazas because in some cases, like where Adam Greenslade lives, if you want to go to Starbucks you come to the Turnpike because there is a community lot behind our service plaza and they can come to that Starbucks or that Panera, which might be the best place in town and not a lot of people know that. Well, if there is no tolling in that specific area, we may be able to increase customer access to those plazas and open them up larger to the community, which could drive revenues up and use of our facilities there.

Senator LaRose: So, we have always had, I think, a good handle on limiting how many toll plazas we create. So, there is not an exit every two miles like you would get off a traditional interstate. If now this area is not tolled, are we going to get an onslaught of people saying we need an off ramp here? We need an on ramp here? Is that something we should expect?

Chairman: From the local merchants you mean?

Senator LaRose: And the local political groups.

Rick Gobeille: I would imagine in your normal course of business, you still get requests for those from time to time. Again, I didn't specifically analyze this, but I mean I know from working here and at other agencies that is actually a pretty common thing that people ask you for interchanges.

Senator LaRose: Right now, it is relatively easy to say though is it not just the interchange, we would have to staff it with toll collectors and everything, so it is a much greater expense.

Rick Gobeille: It could be an enhancement for you, too. You provide more access to the Turnpike from other locations.

Chairman Hruby: I can see the Senator's point.

Rick Gobeille: There is merit there, but again, we didn't specifically analyze that.

Chairman: To his point, if a business relies on that traffic, it gets off, and no longer are the majority of the vehicles getting off there, they are going straight through now, taking advantage of the system, revenues could diminish, at the same time the people that want to build at an interchange might come and ask the Commission to change the interchange to that location. It is just something that I think is very relevant in the future analysis.

Mr. Pakush: I have a question about the untolled sections. Is traffic data still going to be collected at those locations when you remove the tolls? Is there going to be infrastructure installed to pick up, even though you don't need to pay, are you going to collect the traffic data and how much is using the roadway in the untolled areas?

Rick Gobeille: I would imagine in the normal course of business that all of the toll roads even if they are free and toll free ones collect data from all of their interchanges. The toll authorities usually are really good gathering that data. It is as simple as putting in loops or something like that.

Mr. Pakush: That is what I am trying to get to, the flow of traffic counts.

Chairman: Let's go to the west end. There are four or five there that are marked in red meaning you can go through that area free. So, let's say I go through two of them because I work in that area, I am going to drive through some device that is going to record my information?

Rick Gobeille: I can't imagine it would record that it was the Chairman that went from here to here. It would record that this many cars got on here and this many cars got off there.

We would know that cars got on and off here; otherwise, essentially you retain the whole toll collection system if you are trying to keep track of who did all of these other movements.

Chairman: I understand getting on because you need that down the road, but getting off we are still going to record that number of cars that got off?

Rick Gobeille: The number that got off, correct. But not necessarily where you would know where that one got on, you would just know that someone got off there.

Mr. Peterson: When you talk about this whole process, did you look at the percentage of lost revenue?

Rick Gobeille: Yes. Through all of the different alternatives, there is different amounts of revenue. I will use the term of revenue that is at risk. There is different ways that the revenue is at risk. One of the ways it is at risk is when we did, in fact, change these interchanges to not collect tolls and there is an amount of revenue that was collected at those interchanges that you can't collect anymore. So, that was considered in the analysis. When you remove the gates, today you don't *per se* have violation enforcement because your violation enforcement is the gate does not open and some interaction occurs there between a collector and patron. When you remove the gates there is going to be situations where a vehicle may go through that doesn't have a transponder or they may not have a valid account and those are called violators in our analysis. We made an assessment of how many people there would be in there and that's included in our revenue calculation as is the revenue that is not available to the Commission, but as we said in the presentation we didn't do any potential for recovering that revenue, that is not in our calculation because that requires a policy and legislative action and we didn't have one in there to set a number against it. So, there is money that could be generated to offset it, that would be generated through policy. The alternatives that we looked at, there was actually no cash collection. Then in that case,

there is wanting people who don't pay and then, perhaps, a traveler that may have a bicycle rack in front of their license plate and all of that was considered in our revenue analysis for the alternatives we looked at that did not have any cash collections. All of that was considered in there.

Mr. Peterson: Yes, Mr. Chairman, that was my biggest question was how do you go about collecting it with violators and have you built that into the numbers and all?

Rick Gobeille: Like I said, we built in that the revenue was not collected and we built into the system, the ability to charge fines and fees to the violators. But, we did not take any credit for that revenue because a policy hadn't been established. I believe that has to go through a rate setting process and things like that. So, there is revenue available, but it is not in our analysis.

Director Cole: Mr. Chairman, again point of clarification, within the models we have here where we talk about that net revenue enhancement, that net revenue amount is because we haven't calculated administrative fees for license plate transactions, or penalties for people who don't, there is some amount of revenue loss in these models that we will make up for with those business rules once we get to that point. But, again, to be pretty clear, the license plate transactions and the recommendation you have before you are only about 2% of the transactions in the ticketed portion and 3 ½% of the transactions on the barrier portion. So, just a few million dollars in revenue, about \$4.5 million or so, is what is projected in the recommendation you have before you. So, to get to dollars, it is about \$4.5 million out of almost \$300 million in total revenue. However, when we looked at all AET going back to the hundreds of things we started with and the fifty-some and the fourteen, when you look at all AET, 1) the untolled trips if we went to barrier and I want to explain why have the barrier recommendation in there, is the cost of reformatting all of our interchanges for the cameras and the tolling at the thirty-one interchanges is significantly

higher than moving to a barrier system. It is an awful lot of equipment. It is an awful lot of change. It is an awful lot of unnecessary capital expense. So, if we went to the full barrier instead of this modified program, there would be millions of untolled trips within those interchanges and the license plate revenue on all AET is potentially, the estimates we have in there right now, would be about \$43 million in collected revenue and \$26 million in uncollected if it was all AET, and that is why it is important for us with the recommendation that is before us is 80% of our transactions and 85% of our revenue would still be within that ticketed system. The only major change being the loss of the gates at entrance and the fact that some people will inadvertently and some people sneak purposefully through that *E-ZPass*® only lane, but that is such a small percentage of our revenue and our transactions, that we are confident we can track most of them down and get them to pay their toll and stop the shoplifting on the Turnpike.

Chairman: I understand that this is to keep up with technology and the habits of people who drive our type of road. It is also to make us more efficient for our customers and I understand that, but there is another impact that we have to be concerned about and that concern always is the concern of our Executive Director and that is what effect does it have on our employees? You stated that we are going to save approximately \$220 million over thirty years, roughly \$7 million a year would be saved and I take that in staff reduction and the operation of those toll booths, is that not correct? I would like to hear from you or the Executive Director as to what happens to those jobs and those people that rely on jobs that they now have.

Rick Gobeille: I will tell you a little bit about what is in the component and then I will let Director Cole tell you about the staff. There is staff collectors in there. There is also the cost of maintaining the equipment that would have been in all of those lanes. There is the heating and cooling and such of all of those facilities. There is the ongoing reconstruction and maintenance

of all of those facilities that is also within the savings number. Actually, I will let Director Cole tell you about the staff aspect of it.

Director Cole: We care a lot about our employees. I think a Commission Member already shared with me privately and I don't know if he will publicly talk about the fine customer service that our toll collectors provide. It is not just collecting the tolls. They help motorists. They guide them better than even *Google Maps* or *Waze*. They provide hands-on service to customers out there and we heard that loud and clear through the surveys and that is one of the reasons we didn't move so quickly into just the numbers in the AET, but we kept the customer service part of this in place. So, we believe when you combine the operational saving, Mr. Chairman, of the utilities, equipment and the staffing, not a large portion of that is the staffing number because we believe all of these reductions should be possible through attrition at this point. We have enough retirements coming, enough natural turnover in the toll collecting staff in the supervisor level that we will be able to reassign staff that wants to continue to work, at either one of those barriers at 49 or 214, or at the Eastgate or Westgate, that those employment opportunities in the eastern and western part of the state will still exist, but we already have limited staffing at a number of those plazas because of the ATPMs, because as Rick was talking about, the very low traffic volume that is at most of those interchanges anyway, some of them are unstaffed at night, some of them are unstaffed like, for example 215 and 216 in Lordstown, is unstaffed 24 hours a day now, it is all ATPM. So, we think, again, minimal impact and we would hope that through the attrition opportunities over the next three years as we get to 2020, we will be able to make the appropriate staffing levels to gain those long-term cost deficiencies, but without disrupting someone's life through layoffs or something.

Chairman: The other question I have and maybe I was just confused by your words, you said that as the vehicles exit in the untolled areas that they can continue on at seventy miles-per-hour. I don't think you meant that they would exit at seventy miles-per-hour. They continue on the main road at seventy miles-per-hour, and then we would have the exit as it normally would be and they would go through an area that just simply would be an open gate area. They would just drive through it at whatever that speed may be, correct?

Rick Gobeille: Yes, and with the cost estimates there is the roadway improvements that would occur when you took away those interchange plazas the way the weaving would change, and it would be reconstructed in such a way to be safe and more consistent with a traditional highway interchange.

Chairman: Last question and then we will move on. This will not have any financial impact upon any of the host communities of the gate on entrance or exit area, will it? I mean they are not going to have to adjust their roadway in any way to accommodate how we are going to make our entrances or exits?

Rick Gobeille: I don't believe so. We didn't go and look at the detailed local levels. But, the volumes at the interchanges that we are removing the tolls is so small that it is hard to imagine, myself, there being a real impact on any of the local aspects of those communities.

Chairman: Any other questions? Thank you very much for your presentation. We look forward to working with you in the future.

We will now move on to the report of our CFO/Comptroller/DED, Martin Seekely.

CFO/Comptroller/DED: Thank you, Mr. Chairman. I have a brief update on our traffic and revenue for the month of March and the financial results of the first three months of the year.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Passenger car vehicle miles traveled were down 6.0% in March. Last year benefited from Easter holiday traffic in March while Easter is in April this year. Traffic was also down because of two days of snow this year.

Commercial traffic was 1.2% higher than March of last year.

The decrease in traffic combined with the 2.7% toll rate increase on January 1 caused passenger car toll revenue to decrease 4.2% in March.

The increase in commercial traffic combined with the toll rate increase caused commercial vehicle toll revenues to increase 2.5% in March.

This chart shows year-to-date toll revenues through the month of March during each year over the past decade. Year-to-date total toll revenues were \$1.4 million or 2.3% above the amount from last year.

If you subtract February 29th from last year's total, total toll revenues are up \$2.1 million or 3.4% over last year.

This report shows the actual and budgeted revenues, expenditures and transfers for the General Fund for the first three months of the year. Total revenues for the first quarter of the year are \$600,000 or .8% higher than budget and \$1.7 million or 2.6% above last year. The revenue increase from budget is primarily due to higher toll and concession revenues due to the increase in traffic. Most of the revenue increase from last year is due to higher toll revenue.

Expenditures for the first three months of the year for operations, maintenance and administration, were \$4.4 million or 12.5% lower than budgeted and \$300,000 or 1.1% lower than last year. Most of the decrease in costs from budget were related to lower snow and ice removal costs due to the mild winter this year, these savings from budget were partially offset by higher

than expected health insurance costs. Most of the decrease in costs from last year were due to lower snow and ice removal costs and lower equipment maintenance costs. These reductions were offset by an increase in health insurance costs.

Debt service payments are \$1.1 million lower than budget because of lower than budgeted outstanding debt. Debt service payments are higher than last year due to lower interest income received on infrastructure funds.

After paying our operating expenses and debt service, the balance of the revenue is used to fund our 2017 capital expenditures. \$15.2 million was transferred to our capital and expense reserve funds in the first three months of the year, which is \$6.1 million higher than budget and \$1.4 million higher than last year.

That completes my report Mr. Chairman.

Chairman: Thank you, Marty. Any questions? Hearing none, we will move on to the report of our Maintenance Engineer, Chris Matta.

Maintenance Engineer: Good morning, Mr. Chairman and Commission Members. I have four resolutions for your consideration this morning.

The first resolution for your consideration seeks the Commission's authorization of continuing expenditures for the contract with Resource International, Inc., of Cleveland, Ohio, a Commission certified MBE firm, for additional Geotechnical Engineering Services for the Mainline Pavement Replacement Program. Under Resolution No. 46-2014, the Commission awarded a contract to Resource International for the performance of Geotechnical Engineering Services for up to ten Pavement Replacement Program Projects, each encompassing five to six mile sections located along the mainline of the Ohio Turnpike. Under Resolution No. 66-2016, the Commission authorized the assignment of Project Nos. 71-16-13 and 71-16-14 (2018 Projects),

or the fifth and sixth pavement replacement program projects for the Contract. Resource submitted fee proposals dated March 20, 2017 and April 3, 2017, to perform additional geotechnical engineering services for a slope stability investigation on Project No. 71-16-13 (mileposts 149-155), slag and bedrock delineation on Project No. 71-16-14 (mileposts 169-176) and falling weight deflectometer testing for improving future pavement designs, in the not-to-exceed amount of \$135,628.00. The Engineering Department staff has reviewed Resource's proposals and finds them reasonable for the scope to be performed. Since these additional expenditures will increase the total cost in excess of ten percent of the previous Commission authorization, it is required under Article V, Section 1.00 of the Commission's Code of Bylaws that the Commission must authorize such expenditures. With your permission, may the General Counsel please read the title of the Resolution?

General Counsel: Resolution Approving a Modification to the Agreement with Resource International, Inc. to Perform Additional Geotechnical Engineering Services for the 2018 Mainline Pavement Replacement Projects in the Not-to-Exceed Amount of \$135,628.00.

Chairman: Any questions? Hearing none, please call the roll.

MOTION: A motion to adopt the *Resolution Approving a Modification to the Agreement with Resource International, Inc. to Perform Additional Geotechnical Engineering Services for the 2018 Mainline Pavement Replacement Projects in the Not-to-Exceed Amount of \$135,628.00*, was made by Chairman Hruby, seconded by Mr. Pakush, and approved by all Commission Members present. Resolution No. 15-2017 is attached hereto as an Exhibit.

Chairman: The Resolution passes unanimously. Please continue, Chris.

Maintenance Engineer: The next Resolution for your consideration is for the authorization to award Contract No. 40-17-01 for the repainting of seven bridges located between Milepost 14.1 and Milepost 27.3, all located in Williams and Fulton Counties, Ohio. This work is included in the 2017 Capital Improvement Budget. On March 8, 2017, Procurement received five bids for this work, and the apparent low bid was submitted by Civil Coatings and Construction,

Inc., of Valparaiso, Indiana, in the amount of \$1,107,471.50. The bid submitted by Civil Coatings is below the Engineer's Estimate of \$1,400,000.00 and is deemed to be a responsive and responsible bid. Civil Coatings has not previously performed work for the Commission, therefore additional due diligence was performed. The CFO Comptroller reviewed the Financial Statement of Civil Coatings, and advises that their financial condition is acceptable. Engineering staff contacted several references, both independent and those submitted by the company, and all reported satisfactory performance by Civil Coatings. Based on a review of previous years' work volume and work presently under contract, it appears that Civil Coatings has sufficient capacity to perform this project. The Resolution also contains provisions to assign Greenman-Pedersen, Inc., of Berea, Ohio, to perform construction administration and inspection services. With your permission, may the General Counsel please read the title of the Resolution.

General Counsel: Resolution Approving the Selection of Civil Coatings and Construction, Inc. to Repaint Bridges in Williams and Fulton Counties Under Project No. 40-17-01 for the Total Amount of \$1,107,471.50, and Approving the Assignment of Greenman-Pedersen, Inc. to Perform the Professional Services for Completing the Project.

Chairman: Any questions? Hearing none, please call the roll.

MOTION: A motion to adopt the *Resolution Approving the Selection of Civil Coatings and Construction, Inc. to Repaint Bridges in Williams and Fulton Counties Under Project No. 40-17-01 for the Total Amount of \$1,107,471.50, and Approving the Assignment of Greenman-Pedersen, Inc. to Perform the Professional Services for Completing the Project*, was made by Mrs. Barber, seconded by Mr. Paradiso, and approved by all Commission Members present. Resolution No. 16-2017 is attached hereto as an Exhibit.

Chairman: The Resolution passes unanimously. Please continue, Chris.

Maintenance Engineer: The third Resolution for your consideration is for the authorization to award Contract No. 40-17-02 for the repainting of seven bridge structures located between Milepost 34.9 to Milepost 56.1, in Fulton and Lucas Counties, Ohio. This work is included in the 2017 Capital Improvement Budget. On March 15, 2017, Procurement received

five bids for this work, and the apparent low bid was submitted by APBN, Inc., of Campbell, Ohio, in the amount of \$1,107,530.00. The bid submitted by APBN is below the Engineer's Estimate of \$1,300,000.00 and is deemed to be a responsive and responsible bid. APBN has satisfactorily performed similar work for the Commission in the past with favorable results, and appears to have sufficient capacity to perform this Project. The Resolution also contains provisions to assign TTL Associates, Inc. of Toledo, Ohio, a Commission certified DBE firm, to perform construction administration and inspection services. With your permission, may the General Counsel please read the title of the Resolution.

General Counsel: Resolution Approving the Selection of APBN, Inc. to Repaint Bridges in Fulton and Lucas Counties Under Project No. 40-17-02 for the Total Amount of \$1,107,530.00, and Approving the Assignment of TTL Associates, Inc. to Perform the Professional Services for Completing the Project.

Chairman: It is 14.5% below the Engineer's Estimate, is there any reason for that?

Maintenance Engineer: Mr. Chairman and Commission Members, from our look at when the bids opened the first or second resolution I read today was the 01 project, it opened up a week before and from what I understand there has been some competition in the bridge painting market and that is why I would assume that was well below the Engineer's Estimate for that project.

Chairman: Thank you. Any other questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt the *Resolution Approving the Selection of APBN, Inc. to Repaint Bridges in Fulton and Lucas Counties Under Project No. 40-17-02 for the Total Amount of \$1,107,530.00, and Approving the Assignment of TTL Associates, Inc. to Perform the Professional Services for Completing the Project*, was made by Chairman Hruby, seconded by Mr. Peterson, and approved by all Commission Members present. Resolution No. 17-2017 is attached hereto as an Exhibit.

Chairman: The Resolution passes unanimously. Please continue, Chris.

Maintenance Engineer: The final Resolution for your consideration is for the award of Contract No. 46-2017 to Furnish and Apply Retro-Reflective Pavement Markings on the Ohio Turnpike mainline roadway and interchange ramps from Milepost 0.0 to Milepost 241.2, located in Williams, Fulton, Lucas, Wood, Ottawa, Sandusky, Erie, Lorain, Cuyahoga, Summit, Portage, Trumbull and Mahoning counties. This work is included in the 2017 Operating Budget. On March 23, 2017, Procurement received three bids in response to Contract No. 46-2017. Following a thorough review of the bids submitted, it was determined that Aero-Mark, Inc., of Streetsboro, Ohio, has submitted the lowest responsive and responsible bid in the amount of \$710,232.30. Aero-Mark's bid is approximately five percent (5%) below the Engineer's Estimate of \$750,000.00, and Aero-Mark has satisfactorily performed projects of a similar size and scope for the Commission in the past. Based upon this information, it is recommended to award Contract No. 46-2017 to Aero-Mark, Inc. of Streetsboro, Ohio in the amount of \$710,232.30. With your permission, may the General Counsel please read the title of the Resolution?

General Counsel: Resolution Approving the Selection of Aero-Mark, Inc. to Furnish and Apply Retro-Reflective Pavement Markings on the Ohio Turnpike Mainline Roadway and Interchange Ramps Under Project No. 46-2017 for the Total Amount of \$710,232.30.

Chairman: Any questions or comments?

Director Cole: Mr. Chairman, I think everybody knows and you have heard me report on it before, but our pavement striping program is exceptional. Chris and his team do a great job on this, as well as the contractors, but the way we do our striping and the quality is one of the things that all of our customers benefit from, but it does help position us as we enter the new era of connected and self-driving vehicle technology and self-driving testing. The reports that have come back from the companies who are doing that research were working on the Turnpike all are exceptional because their equipment runs that much better with that type of striping we have

and it is a testament to us, again, positioning us for that future we need to get into, so we are fortunate that we have such a successful program and get such good services, especially from an Ohio company like Aero-Mark that is right off of the Turnpike.

Mr. Pakush: How often does the Turnpike restripe the pavement?

Maintenance Engineer: Mr. Chairman and Commission Member Pakush, it is an annual contract. Right now, we follow the ODOT spec for the paint striping, but we do a wider lane line and a wider edge line on it.

Mr. Pakush: But it gets hit just once a year?

Maintenance Engineer: Yes, that is correct.

Director Cole: Mr. Chairman, except in those places where we have done a work zone or we have had to do something else, and we will go back and clean-up our stripes or it is part of those contracts, but the entire mainline, all 1,500 lane miles get striped every year, which in talking with other transportation officials around the country, they are envious that we are able to get to all 1,500 lane miles, including the interchanges.

Chairman: Any other questions? Hearing none, please call the roll.

MOTION: A motion to adopt the *Resolution Approving the Selection of Aero-Mark, Inc. to Furnish and Apply Retro-Reflective Pavement Markings on the Ohio Turnpike Mainline Roadway and Interchange Ramps Under Project No. 46-2017 for the Total Amount of \$710,232.30*, was made by Mr. Pakush, seconded by Mr. Peterson, and approved by all Commission Members present. Resolution No. 18-2017 is attached hereto as an Exhibit.

Chairman: The Resolution passes unanimously. Anything further, Chris.

Maintenance Engineer: No, Mr. Chairman, that completes my report.

Chairman: You did a wonderful job. We will move on to the report of the General Counsel, Jennifer Stueber.

General Counsel: No report, Mr. Chairman.

Chairman: Report of the Ohio State Highway Patrol, Staff Lieutenant, Travis Hughes.

Staff Lieutenant Hughes: Good morning, Mr. Chairman and Members of the Commission.

I am going to share four stops with you that I found intriguing. We do have a new kind of contraband that I am going to tell you about.

The first traffic stop occurred on March 22, 2017, in Williams County. It was a car hauler. Once the vehicle was stopped, the driver indicated to our Trooper that we needed to check out one of the cars that he was hauling. In doing so, they located seventy-one packages of hydroponic marijuana within the vehicle. Through the subsequent investigation, they did a controlled delivery in Toledo, Ohio. So, it originated in California and was bound for Toledo, Ohio. The estimated street value of the hydroponic marijuana was \$237,000.

The next traffic stop occurred on March 25, 2017, in Lorain County. The vehicle was stopped and a subsequent search revealed ten pounds of marijuana in a duffel bag in the trunk, along with fifty-four grams of cocaine under the spare tire. They also located one-hundred fourteen of marijuana shatter. Marijuana shatter is the end product of distilling the chemicals, THC and other compounds in the marijuana into a liquid form and putting it on to a surface and break it up just as you would with peanut brittle or caramel. The potency is extremely higher than regular marijuana and that is why they go through this process and the price is fifteen-fold from just regular marijuana. That is while it seems that one-hundred fourteen grams is not a lot, but just that shatter was worth \$7,900.

The third traffic stop occurred on April 4, 2017, in Summit County. The vehicle was stopped and gift wrapped for us was sixteen pounds of marijuana in the rear cargo area of the

minivan. Again, they conducted a controlled delivery to the Youngstown area, where they seized an additional twenty pounds and other grow equipment.

The last traffic stop occurred on April 10, 2017. This was a taxicab that was plated out of New York. Upon stopping the vehicle, they conducted a search and found a box on the backseat that contained a large amount of U.S. currency. Also, they located approximately \$35,000 in stolen, high-end merchandise and numerous receipts for large currency transfers that were sent to various countries. The suspects in this case were all Ghana nationals. They were handed over to the Feds and they took over that investigation from there.

That completes my report, Mr. Chairman. I would be happy to answer any questions.

Chairman: Any questions?

Mr. Peterson: Thank you, Mr. Chairman. Thank you, Staff Lieutenant Hughes for all that you guys do. It is amazing and really impressive. The stops though, what percentage were drug interdiction and what number was regular stops?

Staff Lieutenant Hughes: Mr. Chairman and Commission Member Peterson, I would be happy to get that number for you. Again, this is easy because I just choose from the list of the seizures each month as compared to the thousands of traffic stops that occur during that month timeframe, but I would be more than happy to provide you an accurate number of what percentage these seizures account for out of the entire traffic stops.

Mr. Peterson: I appreciate that. Again, I think it is impressive when you make a traffic stop of a car going seventy miles-per-hour and you are able to come up with this. Good job. Thank you.

Chairman: One other thing, I would like to thank you on behalf of the Commission for your work in assisting Cleveland right now in that homicide investigation. I know that the Ohio

State Highway Patrol is an integral part of assisting Cleveland and you do that with a lot of different agencies. That is something we are very proud of, so thank you very much for that work.

Any other questions for the Lieutenant? Hearing none, we will move on. Any other questions or comments?

Director Cole: Just one additional clarification going back to the recommendation that was made during the presentation today. I think it is an important point of clarification. Currently, we toll all 241 miles. Our toll rate structure is cents per mile across all 241-miles. It is first collected roughly two miles in from Indiana, but that two miles is part of that rate and the same thing at Eastgate at 239, there are still two more miles of Turnpike, but we are collecting a toll that is embedded in that rate that we collected. Moving forward with the recommendation we have today, all 241 miles of the Ohio Turnpike will still be tolled. So, for those *E-ZPass*[®] customers and people coming Eastgate and Westgate, the way they have in the past, the collection method, but we are not anticipating a change in rates or the amount of revenue that we generate. So, again, those sections where we would be removing the tolling facilities, there would not be a toll collection point; however, those miles of the Turnpike would still be tolled and would still be tolled at the same rate we have in place today in that graduated schedule of rates through the year 2023 that has already been approved. I just want that to be in the record and to be clear that we are still tolling all 241-miles. It is just basically a recognition, Commission Members, that at those very low volume interchanges, we spend as much or more to collect the tolls than we are making in revenue. So, if you offload that expense, we are still collecting our revenue, especially in the busiest portion of the Turnpike, which is between that 49 and 214 barrier that would be in place, that is why we have the three lanes there, that is why that 161-mile section is where the majority of our traffic is, so that was an important point of clarification to just remind everybody that we

are tolling all 241-miles, but why the numbers work so well. It is why we have gone to ATPMs at those interchanges. It is why we have recognized, Senator LaRose, we have had a decrease in the traffic volume at every one of those interchanges in that first section of the Turnpike, almost every year for the last ten years. There is just not traffic there and in the creation of those interchanges in the 2000's did not generate a significant economic boom in any of those areas. There just isn't a lot of traffic there. So, we reduce our expense, but still allows for the free flow there, so it isn't an economic disincentive in those portions of the state.

Chairman: Very good. Thank you. Any other questions or comments? Hearing none, the next meeting of the Ohio Turnpike and Infrastructure Commission shall be held on Monday, May 15, 2017, at 10:00 a.m. Thank you all.

If there is no further business I will make a motion to adjourn.

MOTION: A motion to adjourn the Commission Meeting is made by Chairman Hruby, seconded by Mrs. Barber and unanimously approved by all Commission Members present.

Time of adjournment: 11:16 a.m.

Attendees for Record Keeping Purposes:

Rick Gobeille, Jacobs; Sean Tihal, Jacobs; Toby Fritz, Hill International; Bethany Pugh, PFM; Brian Reguiero, PFM; Scott Buchanan, AECOM; Hamid Homaei, KS Associates; Al Biehl, TranSystems; Dave Ray, JMT; Tim McDonald, ODOT; Jennifer Townley, ODOT; Jim Gates, ODOT; Gene Baxendale, Hill International; Beth Fulton, TRC; Mike McCarthy, Mott McDonald; Michael Burgess, Prime; Jake Siesel, IUOE 18; Alysia Lorincz, KS Associates; Preston Yuzma, IUOE 18; R. Cutern (sp.?); Zoltan Szabo, Mott McDonald; Sarah Brown, HNTB; Preston Yuzma, IUOE 18; Ed Adamczyk, Arcadis; Todd Majidzadeh, Resource International; Jennifer Stueber, Ohio Turnpike; Martin Seekely, Ohio Turnpike; Sharon Isaac, Ohio Turnpike; Matt Cole, Ohio Turnpike; Chad Armstrong, Ohio Turnpike; James Filbert, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; Mark Musson, Ohio Turnpike; Diana Anthony, Ohio Turnpike; Chris Matta, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Adam Greenslade, Ohio Turnpike; Ralph Stilphen, Ohio Turnpike; Chriss Pogorelc, Ohio Turnpike; Chuck Cvitkovich, Ohio Turnpike; Travis Bonnett, Ohio Turnpike; Jacquelyn Dohoda, Ohio Turnpike; Cory Skoczen, Ohio Turnpike; Joann Bartinelli, Ohio Turnpike; and Brian Newbacher, Ohio Turnpike.

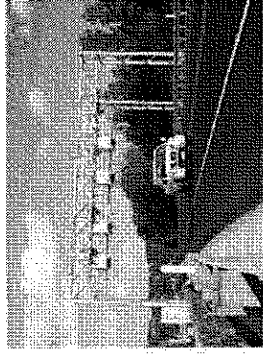
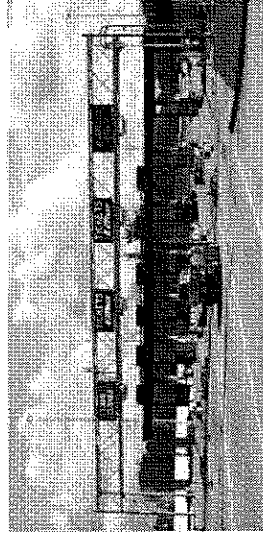
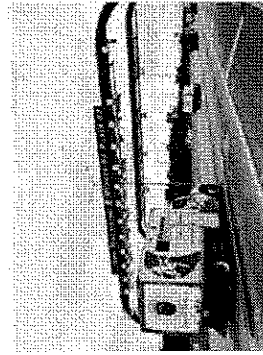
EXHIBITS

1. Presentation of Jacob's Engineering re: toll collection system study;
2. Resolution No. 15-2017 - Approving a Modification to the Agreement with Resource International, Inc. to Perform Additional Geotechnical Engineering Services for the 2018 Mainline Pavement Replacement Projects in the Not-to-Exceed Amount of \$135,628.00;
3. Resolution No. 16-2017 - Approving the Selection of Civil Coatings and Construction, Inc. to Repaint Bridges in Williams and Fulton Counties Under Project No. 40-17-01 for the Total Amount of \$1,107,471.50, and Approving the Assignment of Greenman-Pedersen, Inc. to Perform the Professional Services for Completing the Project;
4. Resolution No. 17-2017 - Approving the Selection of APBN, Inc. to Repaint Bridges in Fulton and Lucas Counties Under Project No. 40-17-02 for the Total Amount of \$1,107,530.00, and Approving the Assignment of TTL Associates, Inc. to Perform the Professional Services for Completing the Project; and
5. Resolution No. 18-2017 - Approving the Selection of Aero-Mark, Inc. to Furnish and Apply Retro-Reflective Pavement Markings on the Ohio Turnpike Mainline Roadway and Interchange Ramps under Project No. 46-2017 for the Total Amount of \$710,232.30.



OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Creating a Toll Collection System (TCS) and Customer Service Center (CSC) Strategic Plan



1 | Presentation | April 17, 2017

JACOBS

15355



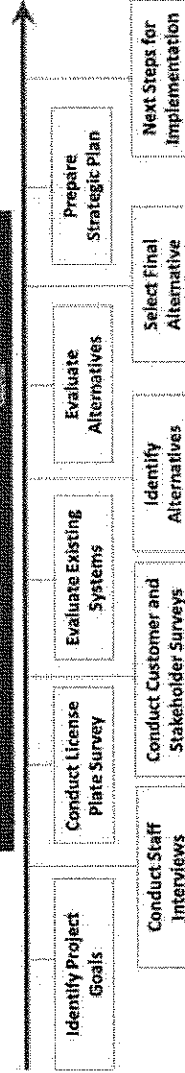
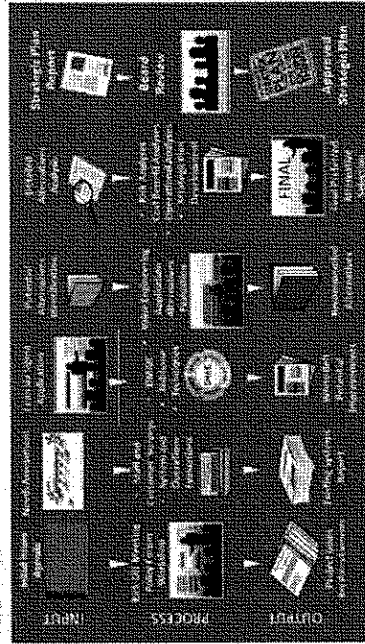
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION



Creating a Toll Collection System
and Customer Service Center Strategic Plan

Presentation

Project Overview



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TCS and CSC Project Goals

Provide Quality
Customer Service and
Value

- Ease of Travel, Ease of Payment,
Customer Satisfaction and Safety

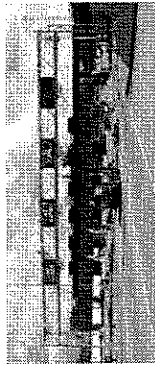
Be Financially
Responsible

- Maintain Credit Ratings, Fund Capital,
Operations and Debt Service Needs

Implement
Innovative,
Adaptable and
Sustainable Programs

- Technology and Operations

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Feedback from Staff Interviews

TCS and CSC
are Nearing
the End of
Useful Life

Difficult and
Costly to
Modify
Existing
Software

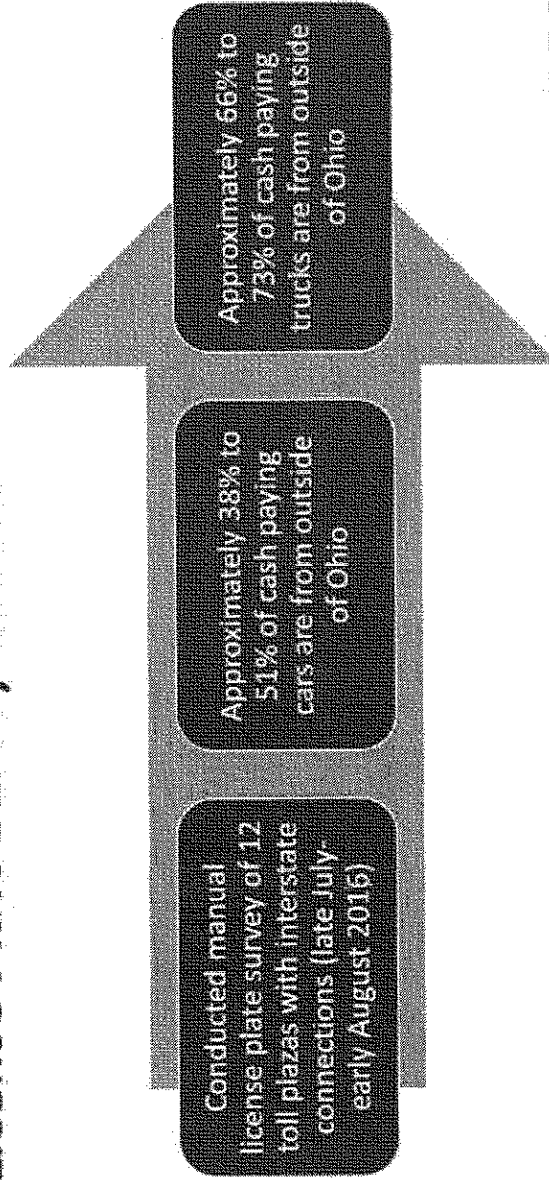
Need for Improved
Operational
Functionality,
Enhanced Customer
Communication
Channels and
Adaptable
Technology

Provide
Convenient
and Efficient
Ways for All
Customers to
Pay

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License Plate Survey Results



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Customer and Stakeholder Survey Results



6 |

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Existing System Evaluation Findings

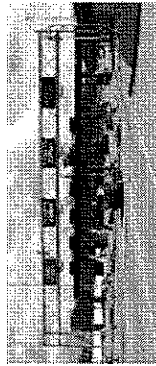
TCS and CSC Continue to Perform as Designed but Components are
Nearing End of Useful Life

Growing Lack of Available Spare Parts

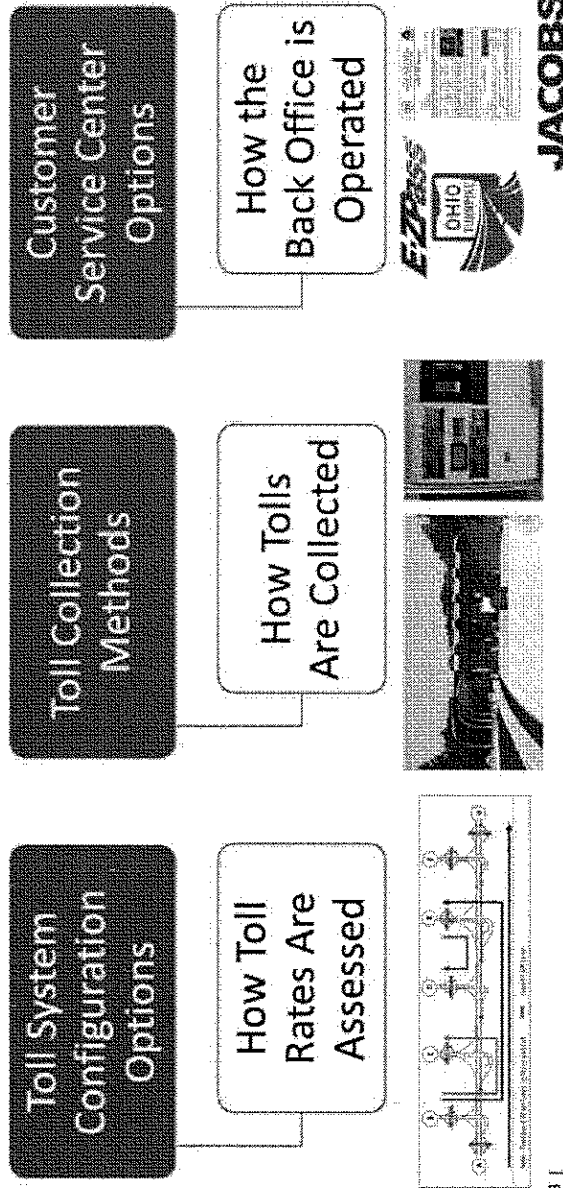
Need for New Technologies such as Multiprotocol Readers, Credit Card
Tokenization and Real-Time Disaster Recovery

TCS and CSC System Replacement Should be Considered

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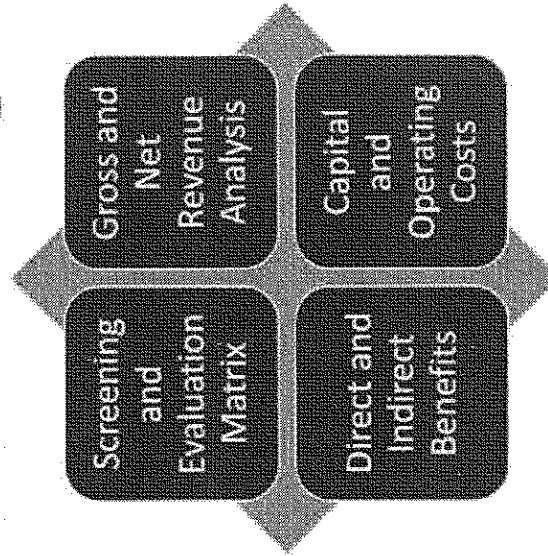


Alternatives Identification





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Preferred Alternative Description

Implement highway speed *E-ZPass* lanes at Eastgate and Westgate and collect flat tolls by vehicle class

Convert Eastgate toll collection to one-way WB (*into Ohio and opposite to Penn Turnpike Gateway which is tolled one-way EB*)

Construct two new mainline plazas with highway speed *E-ZPass* lanes at MP 49 and MP 214 (*new ends of closed ticket system*)

Remove 9 Selected Toll Plazas but maintain interchange access to the Turnpike (TP 13, 25, 32, 39, 215, 216, 218, 232, 234)

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Preferred Alternative Description Cont'd

Remove all entry toll lane gates as well as exit gates in *E-ZPass*
Only lanes and install new license plate image capture cameras

Retain toll lane gates in non-*E-ZPass* exit lanes

Replace TCS and CSC hardware/software including *E-ZPass* Ohio
website (www.ezpassoh.com)

Continue to staff and operate in-house *E-ZPass* Ohio CSC

Contract with vendor(s) for license plate image review,
processing and collections

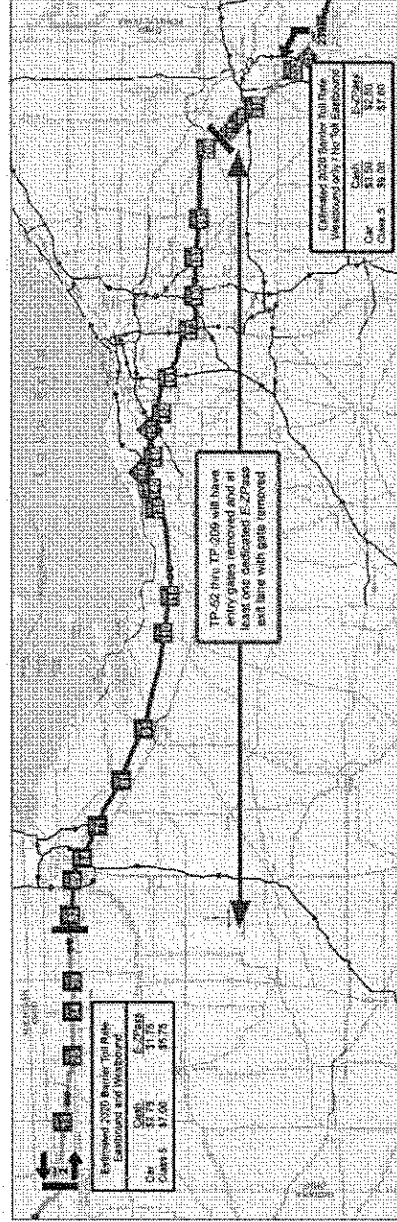
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OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Presentation | Creating a Toll Collection System
and Customer Service Center Strategic Plan

Preferred Alternative Illustration



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Preferred Alternative Benefits and Impacts

Provides technology and customer service improvements without introducing significant revenue risk

Provides non-stop travel at highway speeds (70 mph) for *E-ZPass* customers traveling the full length of the Ohio Turnpike

Provides non-stop travel at low speeds (10-15 mph) for *E-ZPass* customers at all interchange plazas (TP 52 through TP 209)

Provides non-tolled trips for local travelers within TP 13 through TP 39, within TP 215 through TP 234, and eastbound at TP 239

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Preferred Alternative Benefits and Impacts Cont'd

Full length trip cash customers will stop 3x (EB) or 4x (WB) instead of twice as they currently do

Toll collection staff reductions due to removal of plazas and gates, increased *E-ZPass* penetration and faster collection rates at Eastgate and Westgate

Approximately \$230 Million in Operating Cost Savings over 30 years

Approximately \$37 Million increase in Net Revenue over 30 years (*this assumes no recovery of violation processing costs through administrative fees*)

Approximately \$131-150 Million in capital implementation costs (\$2017)

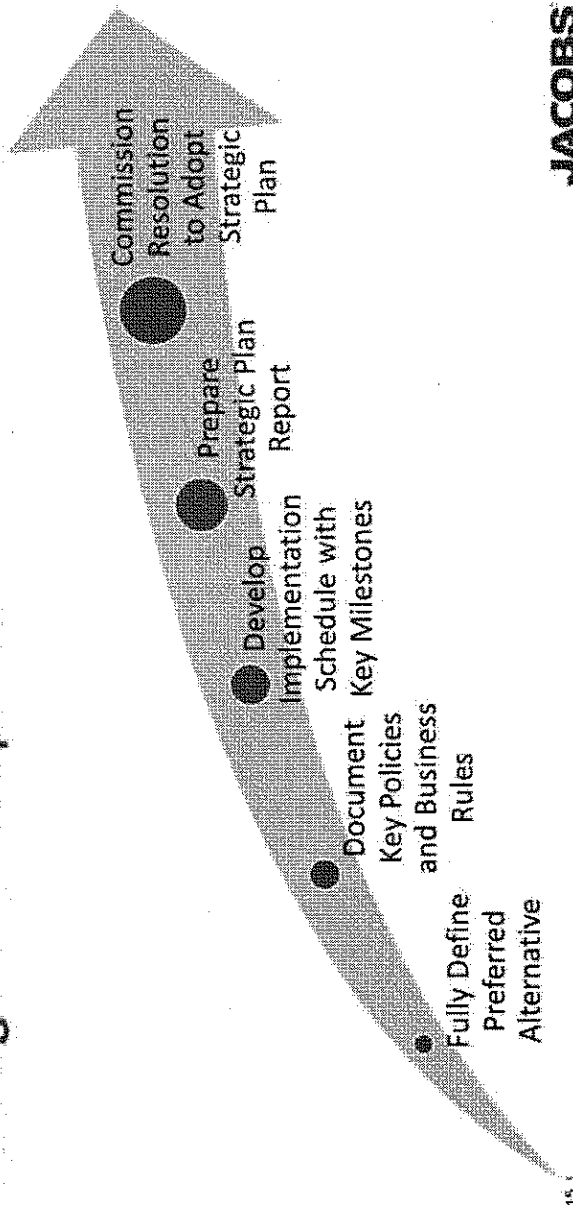


OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Creating a Toll Collection System
Presentation and Customer Service Center Strategic Plan



Strategic Plan Preparation



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Strategic Plan Implementation

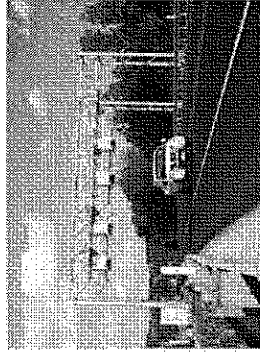
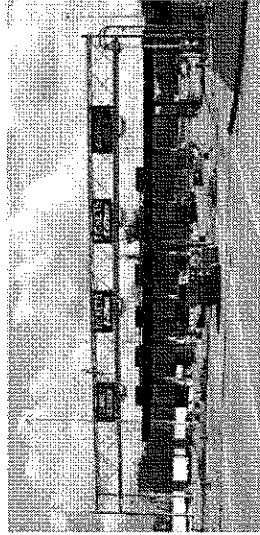
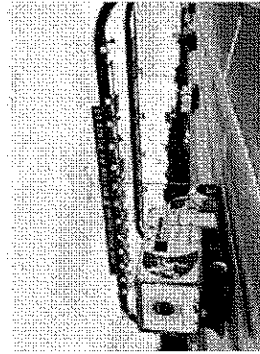
- Complete TCS, CSC and Toll Plaza Upgrades (2020)
- Execute TCS, CSC and Construction Contracts (2018-2019)
- Adopt Toll Policy and Barrier Toll Rate Schedules (2018-2019)
- Procure TCS, CSC and Construction Contracts (2018)
- Develop Legislative and Rule Making Changes (2017)
- Conduct Public and External Stakeholder Outreach (2017)

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OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Creating a Toll Collection System (TCS) and Customer Service Center (CSC) Strategic Plan



OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving a Modification to the Agreement with Resource International, Inc. to Perform Additional Geotechnical Engineering Services for the 2018 Mainline Pavement Replacement Projects in the Not-to-Exceed Amount of \$135,628.00

WHEREAS, the Commission awarded a contract under Resolution No. 46-2014 to Resource International, Inc., of Cleveland, Ohio ("Resource International"), to perform geotechnical engineering and pavement design services ("Geotechnical Engineering Services") for up to ten Pavement Replacement Program Projects, each encompassing five to six-mile sections located along the mainline of the Ohio Turnpike; and

WHEREAS, the Commission authorized expenditures with Resource International to perform Geotechnical Engineering Services for the two Pavement Replacement Project Sections constructed during 2015 and 2016 in the not-to-exceed amount of \$349,685.00 under Resolution No. 46-2014; and

WHEREAS, under Resolution No. 11-2015, the Commission authorized additional expenditures with Resource International in the not-to-exceed amount of \$366,909.00 to perform Geotechnical Engineering Services for the Commission's next two Pavement Replacement Projects constructed during 2016 and 2017 and to update the Master Plan for the Pavement Replacement Program; and

WHEREAS, under Resolution No. 66-2016, the Commission authorized assigning the fifth and sixth pavement replacement projects to Resource International under a modification to the agreement for the Pavement Replacement Projects being designed for construction in 2018, designated as Project No. 71-16-13 from Milepost 149.24 to Milepost 154.10 and as Project No. 71-16-14 from Milepost 169.74 to Milepost 176.34 in Lorain and Cuyahoga Counties, in the not-to-exceed amount of \$191,003.00; and

WHEREAS, Resource International has submitted fee proposals, dated March 20, 2017 and April 3, 2017, to perform additional geotechnical engineering services for a slope stability investigation on Project No. 71-16-13, slag and bedrock delineation on 71-16-14 and falling weight reflectometer testing for improving future pavement designs in the not-to-exceed amount of \$135,628.00; and

WHEREAS, the amount necessary to obtain such additional services will increase the total amount of the Contract from \$907,597.00 to \$1,043,225.00 and exceeds ten percent of the Contract, and the Commission must authorize an amendment to the Contract to make those additional expenditures in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws; and

WHEREAS, the Chief Engineer recommends approving authorization for Resource International to perform the additional geotechnical engineering services on Project No. 71-16-13 and Project No. 71-16-14, and the additional general geotechnical engineering services for the Pavement Replacement Program in the total not-to-exceed amount of \$135,628.00, which amount the Chief Engineer deems reasonable and appropriate; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer, and concurs that the Commission should approve the modification to the agreement with Resource International to perform the additional Geotechnical Engineering Services.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the assignment of Resource International, Inc., to perform the additional Geotechnical Engineering Services for Project No. 71-16-13 and Project No. 71-16-14 and general Geotechnical Engineering Services for the Mainline Pavement Replacement Program in the total not-to-exceed amount of \$135,628.00 is approved and authorized, and the Executive Director may amend the Contract with Resource International to provide for such services, all in accordance with the terms and conditions of the Commission's Request for Proposals, Resource International's response thereto and its fee proposals therefor; and

FURTHER RESOLVED, that the Executive Director has the authority to further amend the Contract with Resource International, Inc., to perform additional services necessary to complete Project Nos. 71-16-13 and 71-16-14 that does not exceed the Director's original contract authority under Article V, Section 1.00 of the Code of Bylaws or ten percent of the total amount of the Contract approved to date, whichever is greater, and approve such extra work or change orders under said contracts as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

(Resolution No. 15-2017 adopted April 17, 2017)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Civil Coatings and Construction, Inc. to Repaint Bridges in Williams and Fulton Counties Under Project No. 40-17-01 for the Total Amount of \$1,107,471.50, and Approving the Assignment of Greenman-Pedersen, Inc. to Perform the Professional Services for Completing the Project

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid on a Contract for the Bridge Repainting of the Ohio Turnpike over St. Joseph-Beaver Road (C.R. 15) at Milepost 14.1, Ohio Turnpike over Norfolk Southern Railroad at Milepost 14.2, Rueger-Shetler Road (T.R. 25-2) over the Ohio Turnpike at Milepost 23.9, Fulton-Williams Road (T.R. 25) over the Ohio Turnpike at Milepost 24.4, and Spies-Handy Corners Road (T.R. 22) over the Ohio Turnpike at Milepost 27.3, all located in Williams and Fulton Counties and designated as Project No. 40-17-01 (the "Project"); and

WHEREAS, the Commission received five bids to perform the Contractor's obligations under the Project, and the Assistant Chief Engineer and the Chief Engineer reviewed and evaluated the bids received, which report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer and the Assistant Chief Engineer report that Civil Coatings and Construction, Inc. of Valparaiso, Indiana, submitted the lowest responsive and responsible bid to perform the Contractor's obligations for the Project for the total amount of \$1,107,471.50, which they recommend that the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Director of Contracts Administration advises that bids for Contract No. 40-17-01 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Civil Coatings and Construction, Inc. for Contract No. 40-17-01 conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and Civil Coatings and Construction, Inc. submitted a performance bond with good and sufficient surety and made a good faith effort to attain the participation of small and otherwise disadvantaged businesses in the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bids received will require expenditures under Contract No. 40-17-01 that will exceed \$150,000.00; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration, and concurs with the recommendation that the Commission approve the award of Project No. 40-17-01 to Civil Coatings and Construction, Inc. as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Civil Coatings and Construction, Inc. in the total amount of \$1,107,471.50 for Project No. 40-17-01, is approved as the lowest responsive and responsible bid received and that the Executive Director is authorized to execute a Contract on the basis of said bid and enter into an agreement; and

FURTHER RESOLVED that the Commission approves the Executive Director and the Chief Engineer assigning Greenman-Pedersen, Inc. to perform all necessary construction administration and inspection services for the Project in accordance with the 2017-2018 Miscellaneous Engineering Services Agreement; and

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under previously awarded said contracts as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project and increase its costs.

(Resolution No. 16-2017 adopted April 17, 2017)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of APBN, Inc. to Repaint Bridges in Fulton and Lucas Counties Under Project No. 40-17-02 for the Total Amount of \$1,107,530.00, and Approving the Assignment of TTL Associates, Inc. to Perform the Professional Services for Completing the Project

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid on a Contract for the Bridge Repainting of the Ohio Turnpike Ramp over the Ohio Turnpike at Milepost 34.9, Liberty-Adrian Road over the Ohio Turnpike at Milepost 41.1, Raker-Barden Road over the Ohio Turnpike at Milepost 41.9, the Ohio Turnpike over Berkey-Southern Road at Milepost 51.4, and the Ohio Turnpike over Albon Road at Milepost 56.1, all located in Fulton and Lucas Counties, and designated as Project No. 40-17-02 (the "Project"); and

WHEREAS, the Commission received five bids to perform the Contractor's obligations on the Project, and the Assistant Chief Engineer and the Chief Engineer reviewed and evaluated the bids received, which report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer and Assistant Chief Engineer report that APBN, Inc., of Campbell, Ohio, submitted the lowest responsive and responsible bid to perform the Contractor's obligations under the Project for the total amount of \$1,107,530.00, which they recommend that the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Director of Contracts Administration advises that bids for Contract No. 40-17-02 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of APBN, Inc. for Contract No. 40-17-02 conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and APBN, Inc. submitted a performance bond with good and sufficient surety and made a good faith effort to attain the participation of small and otherwise disadvantaged businesses in the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bids received will require expenditures under Contract No. 40-17-02 that will exceed \$150,000.00; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration, and concurs with the recommendation that the Commission approve the award of Project No. 40-17-02 to APBN, Inc. as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of APBN, Inc. in the total amount of \$1,107,530.00 for Project No. 40-17-02, is approved as the lowest

responsive and responsible bid received and that the Executive Director is authorized to execute a Contract on the basis of said bid; and

FURTHER RESOLVED that the Commission approves assigning TTL Associates, Inc. to perform all necessary construction administration and inspection services for the Project in accordance with the 2017-2018 Miscellaneous Engineering Services Agreement; and

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under previously awarded said contracts as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project and increase its costs.

(Resolution No. 17-2017 adopted April 17, 2017)